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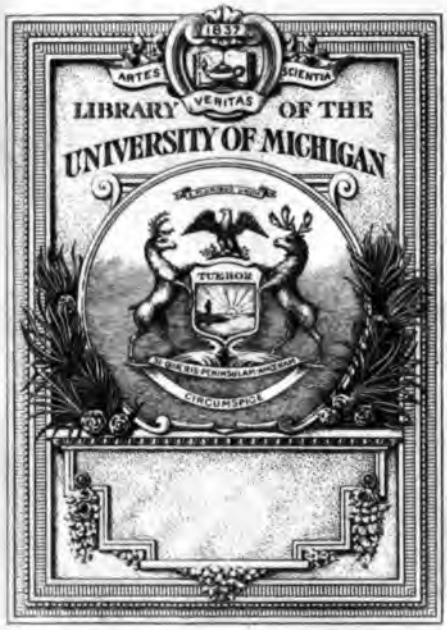
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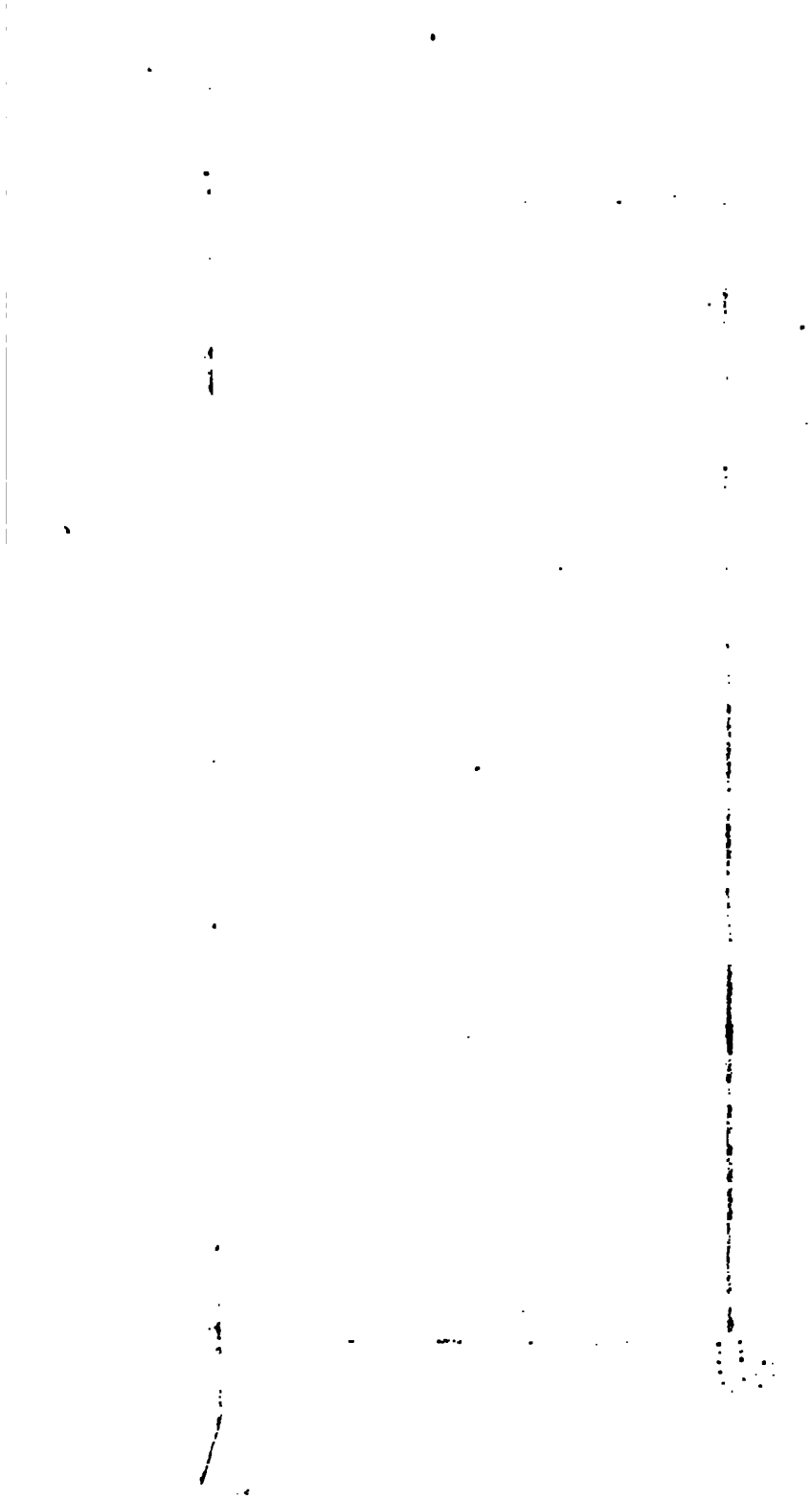

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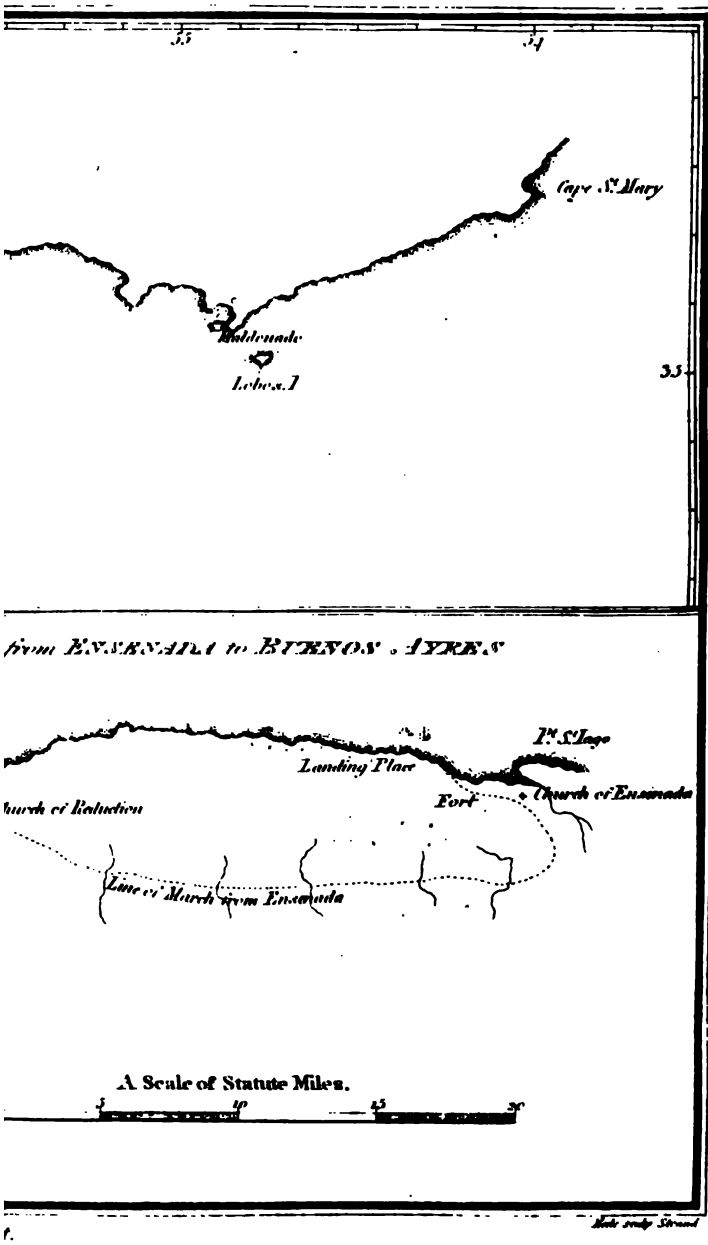

THE

# TRIAL AT LARGE

OF

# LIEUT. GEN. WHITELOCKE,

LATE

COMMANDER IN CHIEF OF THE FORCES

IN SOUTH AMERICA,

BY

## *A GENERAL COURT MARTIAL,*

HELD AT

CHELSEA HOSPITAL,

On Thursday, January 28, 1808,

AND CONTINUED BY ADJOURNMENT TO TUESDAY, MARCH 15.

TAKEN BY

**BLANCHARD AND RAMSAY,**

Short-Hand Writers to the Court,

AND PUBLISHED FROM THEIR NOTES:

WITH

## *A CORRECT COPY OF THE DEFENCE,*

As delivered into Court,

AND

THE RIGHT HONOURABLE

## THE JUDGE ADVOCATE'S REPLY.

ALSO,

ALL THE DOCUMENTS PRODUCED IN EVIDENCE.

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*LONDON:*

PRINTED FOR R. FAULDER AND SON, NEW BOND STREET; R. LEA, COMPTON STREET; WILKIE AND ROBINSON, PATERNOSTER ROW; J. ASPERNE, CORNHILL; SCATCHERD & LETTERMAN, AVE MARIA LANE; AND J. BELL, OXFORD STREET.

1808.

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# PROCEEDINGS

OF A

# GENERAL COURT MARTIAL

HELD AT

CHELSEA HOSPITAL,

UPON CHARGES EXHIBITED AGAINST

# LIEUTENANT-GENERAL WHITELOCKE,

*THURSDAY, JANUARY* 28, 1808.

MEMBERS.

| | |
|---|---|
| Gen. the Right Hon. Sir W. Medows, K. B. President. | Lt. Gen. Dundas. |
| Gen. the Hon. Chapel Norton. | —— Ross. |
| —— Viscount Lake. | —— Pigot. |
| —— Hulse. | —— Sir George Nugent, Bart. |
| —— Ogilvie. | —— Loftus. |
| —— Cuyler | —— Wilford. |
| Lt. Gen. the Rt. Hon. H. E. Fox. | —— Garth. |
| —— Sir James Duff, Knt. | —— Lloyd. |
| —— Harris. | —— Stavely. |
| —— Viscount Cathcart. | —— Sir John Moore, K. B. |

*The Warrant for holding the Court, together with the charges against General Whitelocke, were read by the Judge Advocate.*

GEORGE R.

Whereas it hath been most humbly represented unto us, that the following charges have been exhibited against Lieutenant-General John Whitelocke, Colonel of our Eighty-ninth Regiment of Foot, viz.

First Charge.—That Lieutenant-General Whitelocke, having received instructions from his Majesty's principal Secretary of State to proceed for the reduction of the province of Buenos

Ayres, pursued measures ill calculated to facilitate that conquest: that when the Spanish Commander had shown such symptoms of a disposition to treat, as to express a desire to communicate with Major-General Gower, the second in command, upon the subject of terms, the said Lieutenant-General Whitelocke did return a message, in which he demanded, amongst other articles, the surrender of all persons holding civil offices in the government of Buenos Ayres, as prisoners of war: that the said Lieutenant-General Whitelocke in making such an offensive and unusual demand, tending to exasperate the inhabitants of Buenos Ayres, to produce and encourage a spirit of resistance to his Majesty's arms, to exclude the hope of amicable accommodation, and to increase the difficulties of the service with which he was intrusted, acted in a manner unbecoming his duty as an officer, prejudicial to military discipline, and contrary to the Articles of War.

SECOND CHARGE.—That the said Lieutenant-General Whitelocke, after the landing of the troops at Ensenada, and during the march from thence to the town of Buenos Ayres, did not make the military arrangements best calculated to ensure the success of his operations against the town, and that having known, previously to his attack upon the town of Buenos Ayres upon the 5th July 1807, as appears from his public dispatch of the 10th of July, that the enemy meant to occupy the flat roofs of the houses, he did nevertheless, in the said attack, divide his forces into several brigades and parts, and ordered the whole to be unloaded, and no firing to be permitted on any account; and, under this order, to march into the principal streets of the town unprovided with proper and sufficient means for forcing the barricadoes, whereby the troops were unnecessarily exposed to destruction, without the possibility of making effectual opposition; such conduct betraying great professional incapacity on the part of the said Lieutenant-General Whitelocke, tending to lessen the confidence of the troops in the judgement of their officers, being derogatory to the honour of his Majesty's arms, contrary to his duty as an officer, prejudicial to good order and military discipline, and contrary to the Articles of War.

THIRD CHARGE.—That the said Lieutenant-General did not make, although it was in his power, any effectual attempt, by his own personal exertion or otherwise, to co-operate with, or support, the different divisions of the army under his command, when engaged with the enemy in the streets of Buenos Ayres on the 5th of July 1807; whereby those troops, after having encountered and surmounted a constant and well directed fire, and having effected the purport of their orders, were left without aid and support, or further orders, and considerable detachments under Lieutenant-Colonel Duff and Brigadier-General Craufurd were thereby compelled to surrender; such conduct on the part

of the said Lieutenant-General Whitelocke tending to the defeat and dishonour of his Majesty's arms, to lessen the confidence of the troops in the skill and courage of their officers, being unbecoming and disgraceful to his character as an officer, prejudicial to good order and military discipline, and contrary to the Articles of War.

FOURTH CHARGE.—That the said Lieutenant-General Whitelocke, subsequent to the attack upon the town of Buenos Ayres, and at a time when the troops under his command were in possession of posts on each flank of the town, and of the principal arsenal, with a communication open to the fleet, and having an effective force of upwards of 5000 men, did enter into, and finally conclude, a treaty with the enemy, whereby he acknowledges in the public dispatch of the 10th of July 1807—"That he resolved to forego the advantages which the bravery "of his troops had obtained, and which advantages had cost him "about 2500 men in killed, wounded, and prisoners;" and by such treaty he unnecessarily and shamefully surrendered all such advantages, totally evacuated the town of Buenos Ayres, and consented to deliver, and did shamefully abandon and deliver, up to the enemy the strong fortress of Monte Video, which had been committed to his charge, and which, at the period of the treaty and abandonment, was well and sufficiently garrisoned and provided against attack, and which was not, at such period, in a state of blockade or siege; such conduct on the part of the said Lieutenant-General Whitelocke tending to the dishonour of his Majesty's arms, and being contrary to his duty as an officer, prejudicial to good order and military discipline, and contrary to the Articles of War.

Which charges we have thought fit should be inquired into by a General Court Martial. Our will and pleasure therefore is, that a General Court Martial be forthwith held on this occasion, which is to consist of our right, trusty, and well-beloved councillor Sir William Medows, Knight of the most Honourable Order of the Bath, General in our Army, and Colonel in our Seventh (or Princess Royal's) regiment of Dragoon Guards, whom we appoint President thereof, and of a sufficient number of other officers of competent rank and quality, who can be conveniently summoned to attend the same. And you are to order the Provost Marshal General of our Forces, or his Deputy, to give notice to the said President and Officers, and all others whom it may concern, when and where the said Court Martial is to be held, and to summon such witnesses as may be able to give testimony touching the changes above specified; the said Provost Marshal General and his Deputy being hereby required to obey your orders, and give their attendance where it shall be requisite. And we do hereby authorize and empower the said General Court Martial to hear and examine all such matters and informations as shall be brought before them, touching the charges against the said Lieutenant-General John Whitelocke as afore-

said, and to proceed in the trial and in giving sentence according to the rules of military discipline. And for so doing, this shall be, as well to you as to the General Court Martial and all others whom it may concern a sufficient Warrant.

Given at our Court at St. James's, this Twenty-fifth day of January, 1808, in the Forty-eighth Year of our Reign.

By his Majesty's command,

(Signed) HAWKESBURY.

To our right, trusty, and well-beloved Councillor, the Honourable Richard Ryder, Judge Advocate General of our Forces, or his Deputy.

*Judge Advocate.*—Have you an objection to any of the General Officers?

*Lieutenant-General Whitelocke.*—No.

*The several Members of the Court Martial sworn.*

*The witnesses on both sides desired to withdraw.*

*Judge Advocate.*—I beg leave to mention, on the part of Lieutenant-General Whitelocke, a request which he desires to make to the Court, that he may be permitted to have the assistance of the Adjutant-General and the Quarter-Master-General of the forces belonging to the expedition under his command, conceiving their assistance may be useful to him; that unquestionably it cannot be necessary for me to state to the Court that the evidence of those witnesses must be very material for the prosecution, and that, in order to comply with Lieutenant-General Whitelocke's request, it will be necessary to consider those gentlemen as excepted from the general rule of precluding the witnesses on both sides from being present during the examination of other witnesses. If the Court accede to that request, they will be of course excepted: it is a point for the Court to decide.

*The Court cleared.*

*The Court resumed.*

*President.*— The Court cannot accede to General Whitelocke's request; but they are of opinion that Lieutenant-General Whitelocke will be at liberty to call those gentlemen as often as he thinks proper. I understand that to be the opinion of the Court.

*Lieutenant-General Whitelocke pleaded Not Guilty.*

*Judge Advocate.*—General Sir William Medows and General Officers of the Court Martial, although you are met together upon the most important occasion, in the military history of this country, that ever called for inquiry of a nature like the present, I shall not detain you long in opening these charges. The subject is too painful for unnecessary details, and the events are too recent and too deeply impressed upon the memory and the feelings of every man, to require that I should take up much of your time in this stage of the proceeding. It is needless to tell you that the expedition under the command of Lieutenant-General Whitelocke, which was considered, in the opinion at least of those who planned it, as more than sufficient in point of force to accomplish its object, the reduction of the province of Buenos Ayres, has totally failed; that it failed with the lamentable loss of a great proportion of the gallant army engaged in it; that it failed not only of accomplishing its object, but that it ended in the absolute surrender of those valuable advantages which the valour of British troops under another commander had previously acquired in the important post of Monte Video. By this most unfortunate event, all the hopes have been defeated which had been justly and generally entertained, of discovering new markets for our manufactures, of giving a wider scope to the spirit and enterprise of our merchants, of opening new sources of treasure, and new fields for exertion in supplying either the rude wants of countries emerging from barbarism, or the artificial and increasing demands of luxury and refinement, in those remote quarters of the globe. Important as these objects must be at all times to this country, the state of Europe, and the attempts that have been daily making to exclude us from our accustomed intercourse with the Continent, have added to the importance of those objects, and to the disappointment of those hopes. The disappointment has been cruelly imbittered by the disgrace which such a failure, under all the circumstances, has attached to the British arms. The diminution of our military fame must be felt at all times as a great national calamity, but at no period so severely as in this crisis of the world, when our

military character has become more essential than ever, not merely for our honour or our glory, but for the independence, the liberties, the existence of Great Britain. It is, however, a great consolation, that whatever may have been the stain which our military renown has received, the conduct of the troops has had no share in producing it. I believe, the more this attack of the 5th of July is examined, the more clearly it will be found that no troops ever showed more courage; that no officers (with the exception of whatever may turn out to be connected with the subject of these charges, and I hope the result of this inquiry may prove the exception to be undeserved), but, with that exception, that no officers ever displayed more zeal, more conduct, more devotion of themselves to the common cause in the course of the most triumphant engagement, than was displayed by the British officers through the whole of that destructive day. Under the pressure of this heavy public misfortune, aggravated, as it has been, by the accumulated weight of all the considerations to which I have alluded, the propriety, the necessity of this inquiry, would of itself be sufficiently obvious and indispensable. The country has a right to know to what cause this unexampled disaster is to be attributed. But if it was due to the public to institute this prosecution, it was no less due to General Whitelocke himself. The reports to his prejudice which have been in general circulation, which have survived the first impressions of public sorrow produced by the catastrophe in South America, when it is perhaps the first and natural impulse of the human mind to find an object on which to attach blame; but the reports which are still so prevalent would have made it the duty of his Majesty's Ministers, in justice to General Whitelocke, to advise his Majesty to institute this inquiry. I must beg, however, to be understood, that in adverting to those reports, I advert to them merely to prove that this Court Martial is not more essential for the public satisfaction, than it is necessary for General Whitelocke. So far from wishing to bring those reports forward in aid of this prosecution, that, if I was not afraid of insulting your honourable feelings by appearing to harbour a doubt where I can have none, I would anxiously implore you to dismiss from your minds every

thing you have heard upon this unfortunate business; every impression, every prejudice you may have yourselves entertained, and to come to the inquiry, as you do, free from all preconceived opinions, and determined to decide upon the merits of this case as they appear upon the face of the transactions themselves, coupled with the evidence that you will have the opportunity of examining. So far from wishing to press those reports into the service of this prosecution, that if I did not know it to be unnecessary, I would most earnestly enforce General Whitelocke's just claim to be protected, by your consciences and your oaths, against the effects of them. But it is not upon reports that these charges are founded: they rest upon better evidence. They are taken, not from idle talk or vain rumour, but the orders and dispatches of General Whitelocke himself. There is not a fact alleged against him which is not derived from his authority. The character assigned to these facts does, indeed, involve imputations of the most grave and serious nature; but the facts themselves are founded upon his own account of his own conduct: so much so, that I might be well warranted in contenting myself, on the part of the public, with laying the orders and the dispatches of General Whitelocke before you as documents, of themselves, and without any other evidence, abundantly sufficient to call upon him for his defence. He is his own accuser:—he has furnished the strongest testimony against himself. Whether that testimony will be contradicted or confirmed; whether the character given in these charges will be justified or disproved by the evidence whom I shall call, I have had no means of knowing. If a private prosecution had come forward, as more usually happens, he would have been able by previous communications, aided by his local knowledge, to have told you what the facts were which each witness had it in his power to ascertain, and how those facts applied to the charges. The ends of justice, however, will be equally obtained by this mode of proceeding, which, from particular circumstances obvious to all, became unavoidable; but I am afraid they will be obtained at the expense of more of your time and trouble than would otherwise have been necessary. But though upon your account I may regret the absence of those advantages, there is one

point of view in which it is wholly immaterial; for was I convinced that every one of the witnesses whom I have summoned to attend you was possessed of facts tending to give a favourable impression to General Whitelocke's conduct, I should think it as much my duty, standing in the situation in which I have the honour to address you, to tender them to you for examination, as if I knew that their evidence would corroborate every instance of misconduct imputed to him. The object, the only object, of this inquiry is, as it ought to be, that this business should be sifted by you to the bottom, and that justice may be done. It is with that view that I have summoned all the General Officers connected with the expedition; all their staff, all the officers who were either originally in the command of divisions, or who succeeded to such command; the Quarter-Master-General, the Adjutant-General, the Commissariat, the Admiral, the Captain superintending the naval operations, the Lieutenant of the gun-boats; in short, every officer who, from his situation, from the peculiar nature of his duty, or from any other circumstances, appeared likely to throw any light upon the subject. And if it should appear to you, in the course of this inquiry, that there are still other officers not summoned whose evidence may be thought material, there is no Member of this Court who would feel more anxious than I shall that your judgements should be suspended till that additional testimony can be obtained. It is with the same view, and in the same spirit, that I shall follow the example of my predecessors, in abstaining, in this stage of the proceeding, from any detailed statement of this case. After the evidence is closed, if it should be necessary, I shall have another opportunity of addressing you. In the mean time, the charges require no comment or explanation: they are sufficiently pointed and specific. They speak for themselves. I have only to wish that it may be in the power of General Whitelocke to explain away, or to refute them.

[1] *Lieutenant-General Whitelocke's military commission read.* (*See Appendix, No.* 1.)

[2] *Lieutenant-General Whitelocke's civil appointment read.* (*See Appendix, No.* 2.)

*Judge Advocate.*—The next piece of evidence that I

shall produce is, the military instructions Lieutenant-General Whitelocke received from the Commander in Chief.

*It was read. (See Appendix, No. 3.)*

*Judge Advocate.*—The next piece of evidence that I shall offer is, General Whitelocke's instructions of the 5th of March 1807.

*It was read. (See Appendix, No. 4.)*

*Judge Advocate.*—I ought to state to the Court, that the papers I have already given in, for the present, are all read from certified copies; and I have had notice from General Whitelocke, that he has no objection to those certified copies being read.

The next piece of evidence that I shall offer is, General Whitelocke's public letter to Mr. Windham, of which a certified copy must be read.

*General Whitelocke's dispatch read. (See Appendix, No. 5.)*

*Judge Advocate.*—The next piece of evidence is a private dispatch from General Whitelocke to Mr. Windham.

*General Whitelocke.*—That is incorrect; it is not a private dispatch.

*Judge Advocate.*—General Whitelocke says it is not a private dispatch. I think I have understood, that when two dispatches arrive together, it is a matter of courtesy to send that which is marked private to the individual to whom it is addressed, though he may no longer hold the official situation the writer supposed him to possess, and I believe, in fact, that that which is stated to be the private dispatch addressed to Mr. Windham was sent to Mr. Windham, though he no longer continued in the office of Secretary of State for the War Department, which he held at the time General Whitelocke left England.

*It was read. (See Appendix, No. 6.)*

*Judge Advocate.*—Having now arrived at the end of all the written evidence that I think necessary to produce, before I come to the oral testimony, it becomes important for the Court to consider what course they will adopt in the progress of this inquiry. There are two which obviously present themselves; either to proceed upon the evidence charge by charge, in which case, the Court will observe, I shall be under the necessity of calling back the same witnesses pro-

bably four times; in consequence of which, the Court may feel some difficulty in separating the evidence applicable to each charge, as some of the charges are so connected, that the evidence of the officers called upon one charge, will naturally, and almost unavoidably, run into facts which apply to another. There is another course of proceeding, which I think it right to submit to the Court for their consideration, namely, to divide the examination of the evidence in the same order of time in which this expedition naturally divides itself. There are two periods into which the conduct of this expedition may be divided: the first comprehends all that passed previous to the landing, and during the march, up to the close of the 4th of July, the 5th being the day of the attack. The other includes the attack itself, and all that happened afterwards. The advantage of pursuing this plan will be, that this Court will be better enabled to form a judgement of the plan of attack itself, and the execution of it, and the subsequent proceedings, if, before they enter upon these considerations, they are possessed, in detail, of the previous operation of the whole army, their actual position, their effective strength in artillery, ammunition, provisions, the information then received of the strength, disposition, and means of resistance of the enemy, and the strength of the reserve at Reduction. I can have no other view, than that the question should be before the Court in the fullest manner possible. I thought it right to state so much to the Court for their opinion, and I rather think General Whitelocke will have no objection to the plan of taking it in the order I have suggested.

*General Whitelocke.*—I should wish to take it altogether.

*Judge Advocate.*—Before that point is decided, perhaps it will be as well to read the treaty now, instead of afterwards; which will form the whole of the written evidence, except some letters, which will not take up any time. I certainly ought to state to the Court, that all the documents which are alluded to in Mr. Windham's instructions to General Whitelocke, are before the Court. Being voluminous, I did not read them, because I did not conceive that there are any material points in them applying to the prosecution: they are in the possession of General White-

locke, and if there are any points in them that can avail him, he may read them at this time, or any other time, that he may have any benefit that can be derived from them.

*The treaty read. (See Appendix, No. 7.)*

*The Court cleared.*

*Judge Advocate.*—I certainly stated to the Court, before it was cleared, that I thought we had arrived at the end of the written evidence. I did conceive, from analogy to the proceedings of the Courts to which I have been more accustomed, that written evidence which did not bear upon the charges, might be entered as read, and would then appear upon the minutes. I am, however, informed by those who are more acquainted with the proceedings of Courts Martial, that in order to have them appear upon the evidence, they must be read; and, therefore, supposing I am correctly informed on that point, I am afraid I shall be under the necessity of troubling the Court with hearing the different documents referred to by Mr. Windham. One of these, for instance, is instructions to Brigadier-General Craufurd, before Lieutenant-General Whitelocke went; and also respecting his conduct to the inhabitants of the country he was sent to conquer. They are referred to, as those by which Lieutenant-General Whitelocke's conduct was to be guided. It did appear to me that, as there has been no accession of territory, consequently those instructions could not have been put in force, they need not form any part of this case; but I am afraid, as it is said to be usual to have these documents read, they must be read.

*A letter from Mr. Windham to Brigadier-General Craufurd, read. (See Appendix, No. 8.)*

*Another. (See Appendix, No. 9.)*

*An order of Council transmitted to Lieutenant-General Whitelocke. (See Appendix, No. 10.)*

*Judge Advocate.*—I submit to the Court, with the consent of the prisoner, that it cannot be necessary to read another order of council, similar to this, which can have no bearing at all upon the case.

*Lieutenant-General Whitelocke.*—Certainly not.

*It is entered as read. (See Appendix, No. 11.)*

*Major-General Gower called in, and sworn.*

*Examined by the Judge Advocate.*

Q. I believe you were the second in command in the expedition under General Whitelocke.

A. I was the only Major-General in that expedition.

Q. Did you sail from England with General Whitelocke?

A. I did, in the Thisbe frigate.

Q. Can you state to the Court with what force?

A. I have no specific account. There were the 89th and some artillery, with some recruits for various corps. Their exact numbers I do not know.

Q. Was that force with which you sailed destined for Monte Video?

A. I understood it so; I had no specific information.

Q. That had not arrived, I believe, when you sailed from Monte Video to Buenos Ayres.

A. They had not even been heard of.

Q. At the time when you sailed from Monte Video, were you in daily expectation of the arrival of those troops?

A. Certainly: the period that had elapsed had given every reason to suppose they would arrive shortly, or that they had missed their passage entirely.

Q. Be so good as to state what passed during the voyage between Monte Video and Colonia.

A. I do not recollect that any thing of a military nature particularly passed; having nothing on board but 40 artillery soldiers, there was no specific duty for the officers; except that, there was nothing but the common sort of intercourse which usually takes place between one passenger and another.

Q. Did you go to Colonia, after you left Monte Video, before you arrived at Buenos Ayres?

A. Yes.

Q. For what purpose did you proceed to Colonia?

A. Lieutenant-General Whitelocke was pleased to order that I should go on board the Rolla gun-brig, which Rear-Admiral Murray had appointed to carry me to Colonia, for the purpose of superintending the embarkation of

the garrison, which, till that period, had been stationed there under Lieutenant-Colonel Pack.

Q. Did you bring away the whole of the garrison?

A. The whole.

Q. Of what force did that garrison consist?

A. It consisted of the light companies of that army, three companies of the 95th regiment, and the 40th regiment. Their exact numbers I have no account of. There were also some artillery.

Q. Can you state the whole number?

A. I have not the return by me.

Q. Were your orders to bring away with you all the horses in Colonia?

A. The orders I received were, to a certain degree, discretional. They were, to embark the force as speedily as I could, lest the fleet, then in an exposed situation in the river, should receive any damage by a delay in the junction of that detachment. Lieutenant-General Whitelocke left it discretionary with me to leave a small force on shore, if I found, from the reports which I collected on my arrival there, that they would have been left in any tolerable degree of security. Finding, from the reports which I collected, that any considerable diminution of the number of troops at Colonia would risk the loss of any detachment which might be left, I embarked the whole. There were not any transports, reported to be then at Colonia, fit to receive horses.

Q. In point of fact, were there any, and if any, what number of horses left in Colonia?

A. I do not know exactly; Lieutenant-Colonel Pack, who commanded there, will be able to give that information.

Q. On what day did you join the fleet with the army on board, after coming away from Colonia?

A. On the 26th of June.

Q. On what day did you land at Ensenada?

A. On the 28th of June.

Q. Did the whole of them land on that day?

A. I do not know. I received orders to advance with a division above the heights, and therefore I cannot say what were landed at Ensenada that night.

Q. What was the strength of the advanced guard which you commanded?

A. There were nine companies of light infantry, and four of the 95th under Brigadier-General Craufurd, the 38th and 87th regiments.

Q. Having stated that you had the command of the advanced guard on the 28th, and the force of the advanced guard were under your immediate care, will you state what was the operation of that division of the army during the march from Ensenada?

A. I received Lieutenant-General Whitelocke's orders on the 28th to proceed with that advance, and to possess myself of the high ground immediately above the Ensenada; I did so. Having arrived there soon after one o'clock, I immediately sent back an officer with the report of my arrival, and I received Lieutenant-General Whitelocke's orders to wait there till he joined me on the subsequent day with the other division of the army; the Lieutenant-General came up about mid-day on the 29th, he took up the same ground, and ordered me to advance to a position about two or three miles on towards Buenos Ayres. On the 30th I received his orders again to take up another position some way from the one which I occupied on the 29th. On the 1st of July I received Lieutenant-General Whitelocke's orders to take up a position beyond Reduction, leaving that village to be occupied by that division under his immediate orders. On the morning of the 2d of July, I received his orders to attempt the discovery of a pass which was described over the Chuello, above the town of Buenos Ayres, in execution of this order. I am, perhaps, incorrect in not stating the full extent of the order, that if I found it I was to force it, to make a lodgement in the suburbs of Buenos Ayres, or to get into the town itself, and if I could, to open a communication with the navy. In execution of this order I marched about nine o'clock, and falling in with a considerable corps of cavalry, I forced a portion of them down upon the Chuello, and having driven them across it, I ascertained the positive existence of that pass, and followed them with my division. While occupied in getting four pieces of cannon over the ford, which was very deep and muddy, Brigadier-General Craufurd, who was in advance, reported to me that he saw a very large body of infantry, with a considerable quantity of artillery, apparently directing

their march towards the same height, in the suburbs of Buenos Ayres, which I had previously pointed out to him as the one that seemed, in the first instance, to be the most eligible to occupy. He requested permission to be allowed to advance with his brigade; and finding that it was so late that the brigade under Brigadier-General Lumley, which was by that time very much exhausted by the severity of the march, was not likely to be able to arrive at this point before dark, I ordered Brigadier-General Craufurd to advance.

Q. What alterations were made in your force?

A. The first order which I received from General Whitelocke was on the 28th, to proceed with Brigadier-General Craufurd's brigade, the 40th and 87th regiments. On the landing at Ensenada, the 38th was substituted for the 40th; upon the 29th, the 36th and 88th were ordered with Brigadier-General Lumley to be substituted in lieu of the 38th and 87th. General Whitelocke was also pleased to order that one half of the 95th should remain; the original order went to the whole of the brigade: the alteration was that he took four of the nine companies of light infantry of the 95th to his own brigade.

Q. Were the orders which you state to have been received from General Whitelocke in writing?

A. They were not in writing; with the exception of that order upon which I crossed the Chuello. All the orders I received during the time I had a separate command, were verbal, with the exception of that by which I crossed the Chuello.

Q. Having stated that all the orders you received from Lieutenant-General Whitelocke were verbal, except that respecting your passing the ford, and the subsequent operations; where is that order?

A. It was in the possession of my Aid-de-Camp, who was taken prisoner on the 4th of July, and who destroyed it to prevent its falling into the hands of the enemy. I have no copy of it; I speak of it from recollection. I received the orders about nine o'clock in the morning of the 2d of July, and I moved within 15 minutes after I got the order.

Adjourned.

## SECOND DAY.

FRIDAY, JANUARY 29, 1808.

*Major-General Gower called in again.*

*The evidence of yesterday read over to Major-General Gower.*

*Judge Advocate.*—Before General Gower proceeds in his narrative, I beg to put to him a question or two upon what he has already s d—What is the name of your Aid-de-Camp who was in p session of the order you have named?

A. Captain Ma ell, of the 63d regiment.

Q. Who broug that order to you from General Whitelocke?

A. Lieutenant-Colonel Bourke, Quarter-Master-General of that army.

*Judge Advocate.*—Major-General Gower having been interrupted in his narrative, I now beg him to proceed from the point at which he was interrupted. He concluded with, "Finding it was so late that the brigade under Briga- "dier-General Lumley, which was by that time very much "exhausted by the severity of the march, was not likely to "be able to arrive at this point before dark, I ordered "Brigadier-General Craufurd to advance."

*General Gower.*—I will beg leave to add two paragraphs with respect to that order, which had escaped my memory yesterday; one of which was, that the 87th regiment should be sent to join me on the march, and that if I made my lodgement in the suburbs of the town I was to summon it; and if they demanded from me what terms General Whitelocke was willing to grant them, I was to send in the terms which accompanied the order. May I request that the last sentence of my former evidence may be read that I may proceed correctly?

*A Member.*—There is one question I wish to put to General Gower, in consequence of the evidence he has just now given.—Is the Court to understand that the terms were specified in the order?

A. Certainly.

*Judge Advocate.*—Maj. Gen. Gower will now be so good as to continue his narrative: the last sentence of the narrative was, "Finding that it was so late that the brigade under "Brig. Gen. Lumley, which was by that time very much ex-

" hausted by the severity of the march, was not " likely to be able to arrive at this point before " dark, I ordered Brigadier-General Craufurd to " advance."

*General Gower.*—As soon as I saw General Lumley's brigade ready to move on, I gave it orders to do so, and went forward myself to join Brigadier-General Craufurd. Continuing my march with the 12 companies under his command, I arrived at the junction of two roads, which, from thence, led up to the Coral of Miserere. Having halted the column previous to my occupying that spot, we discovered the enemy's infantry and cannon posted behind the thick enclosures which were on the side of it. Finding that the line I then occupied was a little diagonal to that which the enemy had taken up, I thought I should lose fewer men by making an immediate attack than by waiting for the junction of Brigadier-General Lumley's brigade, and directed Brigadier-General Craufurd to charge their line with the bayonet; which succeeded so perfectly, that in a very few minutes the enemy's infantry were completely routed, and 10 pieces of cannon were in our possession. By the time that the light infantry were re-formed, and a reserve placed over the artillery which had been captured, it was nearly dark. General Lumley's brigade had, by that time, arrived and taken up an excellent position on the right of Brigadier-General Craufurd's division; and I determined to remain in that situation till joined by the rest of the army. Soon after day-light the next day, the 3d, I sent a general summons to the Spanish General, and he returned for answer that he wished to know what terms would be granted to him.

Q. Who did you send your summons by?

A. Captain Roche, the Brigade-Major to Brigadier-General Lumley. I then sent him a copy of those terms.

Q. Be so good as run your eye over that paper, and see if it is a copy of that letter you are now alluding to.

A. I believe that copy to be perfectly correct.

*Judge Advocate.*—Major-General Gower having alluded to the summons which he sent to General Liniers, and I having shown him a copy of that letter, I will now read it.

*Major-General Gower.*—You will be so good as to recollect that the first answer was burnt and the second was verbal, desiring I would send the terms.

*A Copy of the Letter, marked No.* 12, *read.* (*See Appendix,* 12.)

Q. Were the terms stated in the letter that has just now been read, the terms which were specified in the order you received from General Whitelocke the day before?

A. Correctly so, to the best of my recollection.

Q. Have you any doubt that the surrender of civil officers was included as one of the terms to be required of the Spanish Commander in General Whitelocke's order?

A. I have no doubt on the subject: it certainly was specified as I have stated; and when I delivered a copy of the correspondence to General Whitelocke, he did not find fault with any part of it.

Q. Does the paper now produced to you contain a copy of the answer you received?

A. The answer of the General to me was in Spanish: it is clear this is a copy, because there is a note in the margin, which says, that in the original it was different.

Q. Can you state whether this is a copy of the translation you received?

A. I did not make any translation, intending to retain it till the arrival of General Whitelocke.

*Judge Advocate.*—The paper I hold in my hand is a certified copy of the answer returned by Gene-

ral Whitelocke to the Secretary of State's Office in his dispatch, as a translation of the answer received by Major-General Gower.

*General Gower.*—The only difficulty I have upon the subject is, that I apprehend I do not sufficiently understand the Spanish language to say whether that is a proper translation.

*General Whitelocke.*—I am ready to admit it, subject to General Gower's recollection of any difference he may perceive in it.

*The Answer dated the 18th of July, 1807, read.* (*See Appendix*, 13.)

*General Gower.*—To the best of my recollection I should think that is a correct translation.

*Judge Advocate.*—General Gower will be so good now as to continue his narrative.

*General Gower.*—The enemy attacked my piquets soon after day-light, on the 3d, and continued in action with them till the arrival of the principal division of the army under Lieutenant-General Whitelocke.

Q. At what time did they arrive?

A. About two o'clock. I am not certain; I was so much engaged. Of course, on the arrival of Lieutenant-General Whitelocke, my command entirely ceased.

Q. Will General Gower proceed to state the operations of the army, from the time of the junction with General Whitelocke and the main body till the night of the 4th, with as much particularity as his recollection will enable him to state them?

A. Not having been in command of that army, it is impossible for me to state that I am able to give an account of the general operations of it, or of more than such orders as I received from Lieutenant-General Whitelocke who was in the command.

Q. Will you state all that you saw and know of the operations of the army during that period?

A. On the arrival of Lieutenant-General Whitelocke's columns, he directed that the whole should be formed on the continuation, or rather on the prolongation, of the line previously occupied by the brigades under Brigadier-General Lumley and Brigadier-General Craufurd, as the pressure of the enemy was very considerable upon the piquets. Shortly after that time he directed the line to be withdrawn for a short period behind the height upon which the Coral is placed, that the piquets should fall back rapidly upon it, to endeavour to entice a considerable body of men out into the open ground. It did not succeed, as they would not leave the buildings, and we were obliged to re-occupy our original alignment and position for piquets; the Lieutenant-General wishing to place the men under cover from the inclemency of the weather. The same firing continued upon the piquets during the whole of the day of the 4th, not in equal strength, but there was some during the whole of the day, by which we sustained considerable loss.

Q. What were the orders issued by General Whitelocke after his arrival at the Coral, subsequent to the junction?

A. Those which I have already detailed, and also those which are described in the public dispatches of General Whitelocke previous to the attack of the 5th of July. There was also an order, in which the Lieutenant-General was pleased to approve of the conduct of my division in the action of the 2d.

Q. Do you know of any summons being sent by General Whitelocke into the town on the 4th of July?

A. Lieutenant-General Whitelocke informed me on that morning, that he meant to summon the town

again, and that he should refer them to the same proposal of terms which I had sent in by his orders.

Q. Do you know of any other orders but those which you have stated?

A. Not that I recollect; I know of no other.

*Judge Advocate.*—In order that the Court may understand in what way I am proceeding, I will now state (General Gower having now closed his narrative up to the period I first proposed) that I am going to put some questions to him which arise out of the information he has already given.

Q. Previous to leaving Monte Video, in June last, do you know what information General Whitelocke received as to the season of the year being favourable or otherwise for the success of the expedition against Buenos Ayres?

A. No; I do not.

Q. Was General Whitelocke in the habit of consulting with the second in command upon the plans and operations of the army?

A. In very few instances; in some it is possible he may have asked my opinion, but not upon all.

Q. Had you no communication with General Whitelocke as to the propriety of undertaking the expedition against Buenos Ayres, before you left Monte Video?

A. I remember that Lieutenant-General Whitelocke—

*Judge Advocate.*—I think, in point of candour, it is but right to state that General Whitelocke objects to the tendency of these questions; therefore, perhaps it will be as well for Major-General Gower not to answer the present question, till the Court are satisfied that General Whitelocke's objection is well or ill founded.

*General Whitelocke took an objection, which was read by the Judge Advocate, as follows:*

General Whitelocke understands that the object of this evidence, is to show that the attack was undertaken at a wrong period of the year, with reference to seasons. General Whitelocke has no objection to the fullest investigation, nor to this evidence, if the Judge Advocate states, that it is introductory to, or explanatory of, any one of the charges; but as a distinct subject of charge against him he objects to it.

Contending that the subjects of charge are specified—of those he has had notice; against them he comes to defend himself, and that no general words which are followed by special charges can authorize going into any other head than those proposed. The investigation, otherwise, may be endless, and all the use of specifying charges done away.

*Judge Advocate.*—General Whitelocke clearly comprehends the meaning of the questions I have put to the witness. I was putting questions in order to inquire whether the expedition to Buenos Ayres was undertaken at such a time and season of the year, as was likely to hold out a prospect of success, as I conceived that that inquiry came clearly within the first paragraph (if I may so call it) of the first charge; which states that General Whitelocke having received instructions for the purpose of securing the conquest of the province of Buenos Ayres, pursued measures ill-calculated to facilitate that conquest. If it should turn out (and I do not know that it will) that this expedition was undertaken at an unfavourable season of the year, undoubtedly that question would then corroborate this charge against General Whitelocke. It is stated by General Whitelocke, that an inquiry into these charges would be endless, if it is to be understood that any circumstances not distinctly specified shall be inquired into. I should humbly submit to the Court, that in these charges, though certain facts are alleged, yet they are stated

with a view to inform General Whitelocke, that the whole of his conduct connected with that expedition was to come before this Court for investigation; and if the Court are of that opinion, and if it should turn out upon the evidence (which, I again say, I have no right to conjecture), that this expedition was undertaken at an unfavourable season of the year; then it will be for the Court to consider, whether that fact, when proved, does not come within this part of the charge, that he pursued measures ill calculated to facilitate the success of the expedition. If the court have any doubt upon it, I certainly do not wish to press the question.

Q. Had you no communication with General Whitelocke, as to the propriety of undertaking the expedition against Buenos-Ayres, before you left Monte Video?

A. Lieutenant-General Whitelocke informed me, some time after his arrival at Monte Video, that, whenever Brigadier-General Craufurd arrived in the river Plata, he would not lose one moment in attacking Buenos Ayres; and he stated at the same time, as one of the reasons which induced him to that prompt measure, that it would be impossible to feed such a large body of men, on the left bank of the river Plate, during the winter.

Q. By the left bank, do you mean the Monte Video, or the Buenos Ayres side?

A. Describing it as an officer, we always describe it by the current of water; in speaking of the direction of land by water, we consider ourselves as looking down the stream: and, therefore, this was the Monte Video bank.

Q. Was that which you have stated the only communication you had with General Whitelocke, upon the subject of the time at which the expedition was to be undertaken? If you had any other, state it.

A. I do not recollect any other positive commu-

... may have been general conversations ... in which I may have taken a part; ... collect that there was one of that de-

... you in habits of confidential communica- ... General Whitelocke?

A. What degree of confidence Lieutenant-General Whitelocke may have been pleased to place in me, it is impossible for me to state. He employed me in many of the details previous to the embarkation of the troops which were to go against Buenos Ayres, but all the great and leading arrangements were made by himself.

Q. By the words "confidential communication," in the last question, was meant that degree of confidence which your station as second in command, in an expedition of so much importance, entitled you to expect. Will that explanation make any difference in your answer to the last question?

A. Conceiving that a second in command is as much under the orders of a Commander in Chief, as the youngest subaltern officer in the army, I executed every order that was intrusted to my charge, to the best of my abilities; and, not conceiving that any power rested with me, while an officer possessing a commission as Commander of the Forces was present, I was fully satisfied to be employed on such services as he might choose to select.

Q. Were you from time to time informed of the general plan of operations by General Whitelocke?

A. I had not heard that any plan ever was formed; I was not acquainted with any.

Q. Is the Court to understand by your last answer, that General Whitelocke's plans of operation were not communicated to you before they were carried into execution?

A. My answer related to a general plan. I have already stated that I was not acquainted with the ex-

istence of any: whatever communications were made to me, were made in the shape of orders.

Q. I wish to remind you that you stated yesterday, that there were no transports at Colonia fit to receive horses. I wish to ask you upon that, do you know whose duty it was to provide transports during the expedition?

A. Never having had the chief command of troops, I do not know what the orders of government are upon that subject.

Q. Do you not know who did provide transports during that expedition? Whose duty was it upon that expedition to provide transports?

A. I believe that is the question I have answered. I do not know of any transports, with the exception of one small sloop under American colours, that was not regularly hired by the Transport Board in London, and which had been employed in the conveyance of troops and stores, from the various points from whence that army had been collected.

Q. Do you know why there were no transports at Colonia at the time you embarked?

A. I do not: there were enough to contain the troops.

Q. As there were no transports at Colonia to convey the horses, how were the horses collected there to be transferred to the scene of action on the other side of the river?

A. I never knew that any had been collected for that purpose.

Q. With what proportion of artillery did you take your first position on the 28th?

A. Without any.

Q. When did you receive your proportion of artillery, and how was it conveyed?

A. Two six-pounders, and two three-pounders, were ordered to attach themselves to me on the 1st of July in the morning. There were horses to them;

but they were of so miserable a description, that I trusted much more to the personal exertions of the artillery soldiers, and a detachment of seamen that accompanied them, than to the horses, for their conveyance.

Q. Do you recollect what artillery General Whitelocke brought with the main body, when he joined on the 29th?

A. When the troops came up to my position, there was no artillery with them. I understood that it was in the morass below the heights, and I heard that two batallions were ordered down to extricate them. The amount of the artillery I do not know.

Q. Do you know whether any, and what, measures were taken for collecting horses, after the landing, for the transport of the artillery?

A. I do not; but I am sure that no measures on that subject would have been of any avail, because all the horses of that country are so wild, that they would have been of no use in harness.

Q. Do you know whether the horses left at Colonia had, or had not, been broken, for the purpose of the artillery service?

A. There were a few reported to me of that description; but they appeared to me to be very bad, and not calculated for much hard labour.

Q. Will you describe the nature of the ground between Ensenada, and the heights, where you took up your position on the 28th?

A. It was a morass, covered with a surface of water, varying in depth, from two feet upwards; how deep it might have been in some places I cannot tell, not having had time to sound it: but in attempting to discover a passage better for the march of troops than that which was pointed out as the usual road, I got into many situations from which I with difficulty extricated the horse upon which I rode.

Q. As far as you are able to form a judgement,

was the morass of a depth such as to make it impracticable for the transport of artillery properly provided with horses?

A. I cannot state in what condition the road was on the 29th. The ground was so tender when I passed it, that the rear of my own small column had much more difficulty than the front. In going up the face of the heights in two, if not in three situations, there were passes so deep, that my own horse fell three different times, not being able to extricate himself.

Q. Do you know whether General Whitelocke had obtained any, and what, information of the difficulty you have described in the march of troops from Ensenada, previous to the landing?

A. I remember to have been present when Lieutenant-General Whitelocke examined a man, previous to the embarkation at Monte Video, relative to that road; that he stated it as bad, and at all times attended with difficulty: he particularly questioned him as to the practicability of passing with a wheel carriage over the morass; the answer he gave was, that the Ensenada was the common place of embarkation for the people from Buenos Ayres who were going out of the river Plate, and that it was never at any time impracticable to pass that way in a coach.

Q. Is that the only answer you have to give to that question?

*(The question again read to the witness.)*

*General Gower*, I will add to that, if you please, that I do not know of any other information.

Q. Do you know why the landing was not at point Quilmes, instead of Ensenada?

A. I do not; I was not employed in the service of reconnoitring the river.

Q. Do you know who was?

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was the morass of a depth such as to make it impracticable for the transport of artillery properly provided with horses?

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Q. Do you know why the landing was not at point Quilmes, instead of Ensenada?

A. I do not; I was not employed in the service of reconnoitring the river.

Q. Do you know who was?

A. Lieutenant-Colonel Bourke the Quarter-Master General, I believe; I am sure Colonel Bourke was.

Q. Then can you state the reasons that induced General Whitelocke to land in preference at Ensenada?

A. It is impossible for me to state what motives might have induced Lieutenant-General Whitelocke to prefer the latter.

Q. Do you know what proportion of commissariate stores for victualling the army, were landed at the time of the disembarkation of the troops?

A. Having been detached even before all the troops were landed, I have no knowledge whatever on that subject.

Q. Do you know whether it is practicable to communicate with the sea from Reduction?

A. The public dispatches state, that there was a communication between the army and the navy from Quilmes; but I have no knowledge of the fact, myself having been in advance.

Q. When you began your march on the 2d of July, in consequence of the order you stated, had you received from General Whitelocke any account of what was the amount of the force under your command, in men and in artillery?

A. I cannot exactly answer that: I should think General Craufurd's division was something under 900 men; of the 36th, and 88th regiments, so many men were unable to advance from the fatigue of the preceding march, that the number of effective men left in those two regiments, by the time I crossed the Chuello, was very much reduced. On the preceding evening, so many men were lame and tired by the time I got to Reduction, that I was obliged to leave 150 there. On the succeeding morning when I gave the order to march, Brigadier-General Lumley reported to me, that there were a vast

many more unable to proceed. I ordered all such men to be sent up to the principal division of the army at Reduction; but I cannot correctly state the amount of their number; there remained so little daylight to execute the order which I had received, that I did not like to submit to the delay, which the collection of regular returns would have caused. Permit me to add, the artillery were two six and two three pounders; the badness of the horses, and the difficulty of the passes, was such, that with the greatest zeal and exertions on the part of Captain Frazer, it was impossible to get them up to the Coral till long after the action had ceased that evening.

Q. Will you state, as nearly as you can, the number of the troops under your command at the time alluded to in the last question?

A. I should think the amount of those two battalions were not more than a thousand men fit to march; but I cannot say exactly, the men fell out so constantly, that it is impossible to say.

Q. Having stated that you had been informed by General Whitelocke on the morning of the 2d, that another regiment would be sent to join you on the march; did that regiment join you?

A. It did not come up till the main division of the army came up on the third; it never joined me separately; it was the 87th.

Q. Having been directed to undertake to perform such important operations with the forces described, what report was you directed to make to General Whitelocke during the separation of the advanced guard under your command from the main body?

A. I do not remember that there was any specific order upon that subject. When I marched, Lieutenant-Colonel Bourke informed me, that it was General Whitelocke's intention to support me with the whole army. I waited till 10 o'clock on the succeeding day; when, hearing nothing of the main division, I

sent an officer with the 87th light company to endeavour to find them: the officer succeeded in doing so, and returned with the main division.

Q. Do you know to what distance General Whitelocke's march on the 2d removed the main body of the army, from the line of operation of the advanced guard?

A. Not knowing where the main division was posted on the night of the 2d, I cannot at all tell you.

Q. Did you receive any directions from General Whitelocke to keep up a communication with the main body of the army during the separation, through the medium of patrol, or in any other manner?

A. None whatever: I considered the order to make my lodgement good in the suburbs of Buenos Ayres, peremptory; and I should have attempted it under any circumstances whatever without at all looking to the main division of the army.

Q. Having stated that the corps under your command, after having driven a considerable number of cavalry across the Chuello, crossed that river, and came in presence of a formidable body of infantry and artillery, towards the evening of the 2d; could you derive any support from the main body under General Whitelocke, had circumstances of action brought your corps into imminent danger at that period?

A. Certainly not: there was no assistance which I could derive from a corps on the right bank of the Chuello, that could have availed me at all on that night.

Q. Will you state what appearances of hostility on the part of the enemy you observed, or was informed of, between the period of the landing and your taking post at the Coral?

A. Between the 28th and the morning of the 2d, I saw nothing but the peasants of the country, at

least people apparently the peasants of the country, who were all mounted, and who constantly kept up a desultory fire upon the column, except when I approached the village of Reduction, where I saw so considerable a number of these men in a body, that I formed General Craufurd's division in a line, and then a rapid advance drove them; and I took up my position for the night without any other difficulty than what arose from their attempts to cut off sentries, and straggling men, while ascending up the right bank of the Chuello. On the morning of the 2d, I fell in with a considerable body of cavalry, perhaps 600, many of whom were clothed uniformly, and had the appearance of regular soldiers; the rest were of the same description with those I had seen on the preceding day; I observed the left bank of the Chuello apparently lined with corps of infantry; they marched by their right, opposite to me for some time, apparently with a design of defending the high ground above the Chico Pass, over the Chuello. I out-marched them so considerably, that they were foiled in their attempt, and immediately after I had passed, I observed them make that movement which I have before described.

Q. Was the Chico Pass a pass by which the advanced guard under your command passed the river Chuello?

A. I believe so.

Q. What was the breadth and depth of the river at that pass, as well as you can tell?

A. The breadth about 30 yards; the depth so considerable, that we were obliged to unload the artillery and carry the ammunition over on men's heads, and to oblige the infantry to carry their cartridge-boxes on their shoulders, to prevent their being wetted.

Q. Did you receive any, and what, intelligence of

the plans or movements of the enemy, between the period of landing and the taking post at the Coral?

A. None whatever, with the exception of one; every house was deserted, and every man was actively employed in arms against us.

Q. At about what hour of the 2d did the advanced guard under your command arrive at the ford, the Chico Pass?

A. About one o'clock, I believe: I am not very sure that I am accurate.

Q. If you had received orders from General Whitelocke, to inform him of the discovery of the ford, and had in consequence given him that information, how many hours' march would it have taken for the main body to have reached the ford?

A. I conceive, from the position at Reduction, the distance to that ford is very little greater, if taken in a direct line, than it was from the one from which I advanced; it occupied me about four hours to arrive at the ford: when I arrived there, I saw Lieutenant Whitelocke's division at a very considerable distance on the heights, apparently in motion. I cannot attempt to guess what that distance was, but it was so great, that we could not positively ascertain, with the best spying-glasses, whether it did move, or which way.

Q. Supposing General Whitelocke, in consequence of your having given him such information, had marched the main body to the ford; would there have been any separation of the columns for a longer period than the few hours which he states to have been necessary to make the reconnoissance?

A. I have stated that I was four hours on the march: I do not understand the question, really.

Q. The object of my inquiry is to know, whether if General Gower had received instructions from General Whitelocke to inform him whether the ford

was practicable or not, the consequence would not have been, that there would have been no separation of the columns beyond what must necessarily have taken place during the period that General Gower was marching to ascertain whether it was or not.

A. Certainly, if I had been ordered to halt at the ford when I discovered it, the distance of time must have been diminished in proportion to the advance of the main division towards the ford; but I had no other means of communicating but by sending a considerable corps of infantry to escort the officer who carried that information, and therefore it would have occupied almost as much time for the transmission of that report as for the marching of the column.

Adjourned.

## THIRD DAY.

### MONDAY, FEBRUARY 1, 1808.

*Judge Advocate.*—I ought to inform the Court, before they proceed to business, that an application has been made by an Honourable Member of the Court, stating, that in consequence of the dangerous illness of his father, and the physicians having reported that that illness is past recovery, he has requested that he may be excused from further attendance in this Court; it is for the Court to decide whether they will comply with that request or not. I apprehend the Court consists of so many members, that the non-attendance of one will not make any difference in their proceedings. If there is any doubt in the minds of the Court, the Court must be cleared.

(There not being any doubt in the minds of the Court, the Judge Advocate read over the names of

the members, when it appeared that General Sir James Duffe was absent.)

*Major-General Gower called in again.*

*Judge Advocate.*—In order that you may be aware of the object of the question I am about to put to you, I will preface it by stating what it alludes to. You stated in your former evidence, that one of the orders delivered to you from General Whitelocke, on the 2d in the morning, was, that the 87th should join you in the morning; and you also stated, that that regiment did not join you. The question I wish to ask is, when was you informed, or was you ever informed, that the 87th regiment would not be sent to join you?

A. I never received any information on that subject, subsequent to the delivery of the order by Lieutenant-Colonel Bourke.

Q. Having stated that when you marched on the 2d, Lieutenant-Colonel Bourke informed you that it was Lieutenant-General Whitelocke's intention to support you with the whole of the army, when and where were you first informed that General Whitelocke was not following your line of march, and that you could not receive the support you had been promised?

A. I did not receive any information that General Whitelocke was not following my line of march; but when I crossed the Chuello with my division, I could, with a spying-glass, distinguish the principal division of the army on the heights, at a very considerable distance, and so great, that I was convinced there did not remain sufficient day-light to enable them to join my division.

Q. Had you any knowledge whether there was or was not a reserve formed from the rest of the army, independent of the division under you and General Whitelocke?

A. I have no knowledge on the subject whatever.

Q. What was the general face of the country through which you marched; was it open or enclosed; woody, mountainous, or plain?

A. From the position that I had taken up on the night of the 1st, to the Chuello it was perfectly open, without even a hedge of any species; the ground rose with a very gentle elevation from the banks of the Chuello towards the height, which was the continuation of the one upon which the village of Reduction was placed: those heights appeared to extend in a direction nearly parallel to the course of the Chuello. In the course of that part of the march, we had to cross a very considerable number of boggy places, which rendered the passage of carriages difficult; having crossed the Chuello, the first two miles, or thereabouts, of the march were through low meadows, the surface of which was wet but firm. We then ascended some heights; and, from thence to the Coral, the country was particularly strongly enclosed with thick banks, and very strong live hedges upon most of them.

Q. What is the distance from the Chico Pass to the suburbs opposite the Miserere?

A. I do not know by admeasurement; it occupied me nearly three hours to march it, to the best of my recollection; I did not minute it down to a moment.

Q. Can you tell about how many miles without admeasurement?

A. I should think between six and seven.

Q. Can you tell about what distance it is from the bridge over the Chuello to the Chico Pass?

A. I cannot.

Q. Can you tell how many days' provision your division had when you marched from Ensenada?

A. When they landed, they had three days' beef and bread, and one day's spirits, in possession of the men.

Q. Did you receive any supply of provisions from the main body, or the fleet, during your march from Ensenada to Buenos Ayres?

A. None, except a very small quantity of spirits, not amounting to the third of an allowance for one day, which a subaltern officer of the 36th regiment brought for the use of his own corps; the others received nothing.

Q. Did you obtain any supplies of provisions from the country during your march?

A. On the 28th, none; on the 29th and 30th two pioneers, who were in the service of Brigadier-General Lumley, caught some few bullocks; on the 1st my men had nothing till I came to my position that night, having captured some sheep; after that they were delivered to the troops. In driving the enemy through the village of Reduction, I got a very small quantity of bread, but so small as to be hardly worth dividing among the men. On the 2d I had no provisions; the result of my success on that night was the capture of some bullocks in the Coral, and of about as much bread as would serve both divisions of troops for about two days, as it was reported to me; and that came into my possession so late, that none of it could be served till the morning of the 3d.

*Lord Cathcart.*—Q. When you say both divisions of troops, do you mean the two brigades, or the two divisions of the army?

A. The two divisions of the army.

*Judge Advocate.*—Q. Had you any, and what, information of the main body of the Spanish army on the 2d?

A. I have already stated that I saw large corps of infantry on the opposite bank of the Chuello; whether they composed the main body of the army or not, I do not know: I had no other information on the subject.

Q. When General Whitelocke came up with the

main body on the 3d, did you receive any information from him respecting a reserve?

A. He ordered me to form his army in line, and then I discovered that the 40th foot and the 17th regiment of light dragoons dismounted were absent, with Colonel Mahon's brigade.

Q. Were you informed by General Whitelocke where those regiments were posted?

A. He subsequently, at his own quarters, informed me that he had left them at the village of Reduction, but for what purpose I never clearly understood.

Q. What did Colonel Mahon's brigade at that time consist of, exclusive of the 40th foot and 17th regiment of light dragoons?

A. The 45th regiment; but I am not really certain whether the four dismounted troops of the carbineers belonged to it or not. I believe it would be right that I should add to that, that such was the arrangement the last time I had communication with the principal division; but it was possible the arrangement might have been altered after I was detached.

Q. Was any communication opened with that reserve under Colonel Mahon, or with the navy, between the junction with the advanced guard and the main body on the 3d and the period of the attack?

A. None that I ever heard of.

Q. What information respecting the enemy's force and operations did you obtain from the prisoners made on the 2d?

A. I obtained myself very little: I was present at very few of the examinations. The outline of the information which I got was, that till mid-day of the 2d the whole of the enemy's attention and force was directed towards the sea line of Buenos Ayres, or rather to the line of the Plata of Buenos Ayres, and to the bank of the Chuello; that about that time it was reported that they had intended to remove

their guns, and draw in the principal part of their force towards the centre of the town, and to defend their streets by movable columns.

Q. By whom were the prisoners examined?

A. They were examined at Lieutenant-General Whitelocke's quarters; I believe, generally by himself.

Q. Was there no examination of prisoners previous to General Whitelocke's arrival on the 1st?

A. No regular one by myself; I spoke to several of them, but their information seemed to me so little satisfactory (for, from their own statement, the enemy were in the act of adopting new measures when they marched), that I did not give myself much trouble about them.

Q. I wish to know whether any and what measures were taken, in the interval after the junction of the main body on the 3d, and the attack on the 5th, to ensure the success of the operations against the town?

A. The question is so general, it is utterly impossible for me to answer it. It is impossible for me to know what all the officers of that army did; the whole army were to bear a share in it: it is impossible for me to say what share each took.

*Judge Advocate.* I will read the question and answer from the evidence of Friday:—

*The Judge Advocate read the following questions and answers from the former evidence as follows:*—

"Q. Will you state all that you saw and know of "the operations of the army during that period?

"A. On the arrival of Lieutenant-General White-"locke's column, he directed that the whole should "be formed on the continuation, or rather on the "prolongation, of the line previously occupied by the "brigades under Brigadier-General Lumley and Briga-"dier-General Craufurd, as the pressure of the enemy "was very considerable upon the piquets. Shortly "after that time he directed the line to be withdrawn "for a short period behind the height upon which the

" Coral is placed, that the piquets should fall back " rapidly on it, to endeavour to entice a considerable " body of men out into the open ground. It did not " succeed, as they would not quit the buildings; and " we were obliged to re-occupy our original alignment " and position for piquets, the Lieutenant-General " wishing to place the men under cover from the in- " clemency of the weather. The same firing continued " on the piquets during the whole of the day of the " 4th, not in equal strength, but there was some dur- " ing the whole of the day, by which we sustained con- " siderable loss.

" Q. What were the orders issued by General " Whitelocke after his arrival at the Coral subsequent " to the junction?

" A. Those which I have already detailed, and also " those which are described in the public dispatches " of Lieutenant-General Whitelocke, previous to the " attack of the fifth of July; there was also an order, " in which the Lieutenant-General was pleased to " approve of the conduct of my division, in the action " of the 2d."

*Judge Advocate.*—Now I certainly wish to ascertain whether there were any other operations that General Gower was aware of.

A. Lieutenant-General Whitelocke ordered that all officers commanding brigades and regiments should attend at his quarters on the morning of the 4th; when there, the orders were delivered to them which were to be put in execution on the next morning, and they were directed to gain every information they could of the particular portion of the town, which would fall to their share in the first instance during the attack: and all the tools which could be collected, and which were applicable to forcing the doors and windows of the houses, were directed to be searched for. The detail of that attack is published in Lieutenant-General Whitelocke's letter, but I cannot suffi-

ciently recollect the minute parts of it, to venture to detail it from memory.

Q. Had the plan of attack been communicated by Lieutenant-General Whitelocke to any one, to your knowledge, previous to this meeting on the morning of the 4th?

A. It was certainly to myself; and, I have reason to believe, several others.

Q. On what day was it communicated? was it communicated previously to the 4th?

A. On the evening of the 3d to me; generally on the 4th.

Q. Would not the command of the army have devolved upon you if any thing had happened to General Whitelocke?

A. Certainly, as the senior staff-officer present, according to the custom of the service; but not in consequence of any dormant commission, or of any provision for that purpose.

Q. Had you had such confidential communication with General Whitelocke of the intentions of Government in sending out that expedition, and of General Whitelocke's plans of operation, as to have enabled you, in that event, to have carried them into execution?

A. Lieutenant-General Whitelocke was pleased to show me the instructions under which he acted in an early period of the voyage, in the Thisbe; they were voluminous, and I have a very indistinct recollection of the matter contained in them now: I have already stated that I never heard of any thing like a plan of operations in the river Plate.

Q. Were you ever in orders, as second in command, or had you a letter of service appointing you to act as such?

A. I had no other letter of service than the appointment of Major-General upon the staff. On my arrival with Lieutenant-General Whitelocke, at Monte Video; in notifying to the troops his appointment as

Commander in Chief, he described me as a Major-General, second in command; in the latter part of the service I commanded a brigade.

*Judge Advocate.*—I now put in the plan of attack returned by Lieutenant-General Whitelocke to the Secretary of State's office; it is a certified copy of the paper returned by Lieutenant-General Whitelocke to the office of Secretary for the war department.

*The general orders containing the plan of attack, read.*

Q. Can you state to the Court why the attack was not made upon the 4th?

A. Not correctly.

Q. Did you receive any, and what, information from General Whitelocke on that point?

A. On the 4th, when the orders were given out, it appeared to be the general wish of the officers who had the command of divisions, to have the remainder of that day to reconnoitre the points; and then it was, I believe, that the Lieutenant-General definitively fixed the subsequent morning for the attack. I have already stated, that he informed me he meant to summon the town a second time before he commenced the attack; and the summons was actually sent on the morning of the 4th.

Q. Having stated that General Whitelocke joined the advanced guard about two o'clock on the 3d, with the main body, can you tell why the town was not summoned that same evening?

A. I cannot.

Q. Were you at any time informed by General Whitelocke why the attack was not made upon the 4th?

A. I have stated all I know upon that subject already. *The Court cleared.*

*The Court resumed.*

*Judge Advocate.*—General Whitelocke wishes to put some questions to Major-General Gower, in

consequence of the evidence he has given. The first question is, Did the information you received, or the knowledge of the disposition of the inhabitants, induce you to think it unsafe to leave a small detachment at Colonia?

A. Colonia was nearly deserted; its inhabitants, therefore, were not of moment. The information I had went to considerable bodies of armed men which had appeared in the neighbourhood.

Q. What was the disposition of the inhabitants of the country towards us? and was any readiness shown to afford us either assistance or information, even in the most private way?

A. More implacably hostile than I did conceive it possible, till I saw it. Except one smuggler, who was, I believe, by birth a Portuguese, I do not believe there was one man really attached to the British cause in Spanish America, as far as my observation went.

Q. Were not the civil authorities considered, according to the best information, as the persons who had promoted the insurrection against General Beresford, and to be completely hostile to us?

A. I considered it so certainly. I understood that the Court of Audienzia had usurped nearly the whole power and authority of that country.

Q. Did you not consider the Court of Audienzia as part of the civil authorities alluded to in the summons?

A. I did.

*Judge Advocate.*—I will read to the Court a paper which is just put into my hand by General Whitelocke: "As it will be absolutely necessary for me "to produce other documents and papers belonging "to this part of the charge, upon which I shall have "occasion to put some questions to Major-General "Gower hereafter, I will not trouble the Court with "any further questions now."

*Judge Advocate.*—I have no questions to put to Major-General Gower in re-examination; it is therefore now for the Court to put any questions they please.

*Examined by the Court.*

*General Sir John Moore.*—Did General Whitelocke inform you how your corps was to be supplied with provisions after the provisions with which the men landed should be expended?

A. No; I had no orders upon the subject.

Q. It would save time, perhaps, if I put the question in such a way as to produce a detail. After the arrival of Major-General Gower with the Commander in Chief from Monte Video, in what manner was the interval employed, I mean what measures were adopted to enable the army to proceed to the attack of Buenos Ayres, what information was obtained with respect to the country they had to pass over, what measures were adopted to procure horses for the cavalry, for the artillery, and for the transport of provisions? I conceive by putting the question generally, Major-General Gower will not only be able to answer such points as I have put to him but any others.

A. Lieutenant-General Whitelocke arrived in the Plata on the 9th of May, on the 11th he took the command of the troops. The force was then divided into two divisions; the one stationed at Colonia, under Lieutenant-Colonel Pack of the 71st regiment, consisted of a small detachment of artillery, a subaltern officer's detachment of artillery, a few dragoons, three companies of the 95th regiment, the light companies of the 38th, the 40th, 47th, 87th regiments, and four or five companies of the 40th: I do not know exactly: I am not sure whether it was five or four companies. The other division of the army occupied Monte Video, with its suburbs and some detached posts. On the 20th of May, Lieutenant-

General Whitelocke ordered me to communicate to Rear-Admiral Stirling, then the senior officer of the navy in the Plata, that he wished an arrangement of transports to be made for the reception of 10,000 men for their passage towards Buenos Ayres, for tonnage for 18 pieces of light artillery with their proportion of ammunition, for two batteries of heavy artillery, and I believe provisions for 21 days for 10,000 men; I am not quite sure it was for that number of days, but I am quite sure of the number of men. The estimates from the officers at the head of each branch of service, were collected both for dead weight and stowage, and delivered to Rear-Admiral Stirling; all the horses that could be obtained on the left bank of the Plata between Colonia and Monte Video were procured: the enemy's parties had driven that country with such success that very few of a tolerable description remained, and even those that were procured, never having been accustomed to eat either dry forage or corn, were extremely ill calculated for embarkation. Eight transports were cleared for the reception of such horses as could be procured, and Lieutenant-General Whitelocke called upon all the British subjects present, whether officers or civilians, to give up all the horses that could be possibly spared for the public service. What numbers were procured in that manner I do not know, it did not pass through my hands; nor do I know to which of the services, whether the commissariate, artillery, or cavalry, or in what proportion of commissariate, artillery, or cavalry those horses were distributed. On the 24th of May there was a report of a very considerable corps of the enemy, estimated at 4,000, having crossed from Buenos Ayres; and it was stated that the merchants had lost all power of transmitting their merchandise into the country, in consequence of its being constantly plundered by these people. On the 12th of

June, Lieutenant-Colonel Backhouse, who commanded the out-post at Canaro, retreated to Monte Video. From the number of the enemy that appeared in that vicinity during the whole of this period, the garrison at Monte Video was employed in embarking these various stores, and furnishing the large working party that were commanded for repairing and adding to the defence of the place. I was present in Lieutenant-General Whitelocke's quarters at various periods during that time, when he examined three or four men who professed that they knew the country between Ensenada and Buenos Ayres, the vicinity of Quilmes, and all the various points at which it was possible to land. On the arrival of the Fly sloop of war, Lieutenant-Colonel Bourke was sent up the river to reconnoitre the bank; he returned on the 28th of May, and reported from his observation that the Ensenada of Barragon appeared to be the most advantageous place for landing: that the enemy did not at that time appear to be at all jealous of it.

Q. Were any measures taken to supply the army with provisions on their march beyond the supply of three days' provisions delivered to the men?

A. None that I know of.

Q. Were the movements of the rest of the army communicated to you in orders, or in any other manner, when you were ordered to advance on the 29th and 30th of June?

A. On the 29th I was ordered not to move till the main division of the army came up to my point; on the 30th the same thing. Lieutenant-General Whitelocke then asked me if I could reach Reduction that night: I told him it was impossible for me to tell; but I would try. He then acquainted me he should remain with the main division at the point from whence I was then going to march. When I had marched about four miles I found the battalions of

General Lumley's brigade so totally exhausted, that if I had advanced further, I should have left the greater proportion of the men behind. I reported that circumstance to Lieutenant-General Whitelocke; he approved of what I did in staying there, and ordered me to remain there, till he joined me again the next morning. Lieutenant-General Whitelocke joined me between 9 and 10 o'clock; I believe it was on the 1st of July, and the two divisions marched together for a short distance. It was evident that the column would have been very late in passing Reduction, if it was where it was described to us to be, for it was not exactly known then where it was, as there was no guide who spoke accurately as to the distance. The men, particularly of General Lumley's brigade, were very much exhausted, and Lieutenant-General Whitelocke, to give them a chance of getting on with tolerable rapidity, ordered all the blankets of the army to be thrown down, and that, with the men thus lightened, I should attempt to get towards the Chuello, beyond Reduction, leaving the village to be occupied by his division, if he could get up to it.

*President.*—As two of the Members are obliged to go to the House of Lords, the Court is adjourned, and will meet to-morrow morning, at 10 o'clock.

Adjourned.

## FOURTH DAY.

TUESDAY, FEBRUARY, 2, 1808.

*Major-General Gower called in. Examined by the Court.*

*General Sir John Moore.*—Was the country from the Ensenada to Buenos Ayres so little frequented, that a perfect knowledge of it might not have been obtained

at Monte Video, as well as men found who might have been forced to guide the army?

A. I should conceive that the road from Ensenada to Buenos Ayres, in consequence of the former being the place at which all the large ships that are employed in the commerce of the latter are laid up, is well known. I was not at all employed relative to the obtaining of intelligence on that point: for my own private information, I tried to collect what I could; but I could not find any body who spoke very accurately on the subject at Monte Video.

*Judge Advocate.*—I am directed by the Court to read to the witness, the latter part of the answer he has given, and to state that it is not a full answer to the question. The question is, whether guides might not have been found for the purpose of conducting the army: the answer is, "for my own private information I tried to collect what I could; but I could "not find any body who spoke very accurately on the "subject at Monte Video."—Now, that is hardly an answer to the question, Whether or not guides might have been found.

A. I know of but one man of that description.

*General Sir John Moore.*—I do not think Major-General Gower understands the question. The question is, whether the country between Ensenada and Buenos Ayres is so little frequented, that a perfect knowledge of it might not have been obtained at Monte Video, as well as men found who might have been forced to guide the army: for instance, if I wished to be guided from hence to Windsor, there are a thousand people who know the road, and none of them, perhaps, choose to guide me: but if I put a rope round their necks, perhaps they would; that is the meaning of my question; there being so many persons at Monte Video who must have known the way, and who might have been forced; but if no such people existed, you can answer the question.

A. I never found but one man, that I know of, who ever professed that he knew the road, and that man was carried up to the army; all the others whom I pressed on the subject, stated, that they had usually gone in small vessels by water to Buenos Ayres, and had never landed at the Ensenada: the Ensenada is a mere shipping place for Buenos Ayres, not known to the people of Monte Video at all, but well known to the people on the other side.

Q. Was there a communication between Buenos Ayres and Monte Video, before Monte Video fell into the hands of the English?

A. I conceive there was considerable intercourse, in as much as Buenos Ayres was the seat of government, and Monte Video dependent upon it; and of course there must have been an intercourse between a dependent government and a superior one. The usual method of communication when the country was at rest, if they did not like to go by water so far as from Monte Video to Buenos Ayres, was to go by land from Monte Video to Colonia, which was opposite to Buenos Ayres, but I do not believe that people willingly go to the Ensenada, to travel by land from thence to Buenos Ayres.

Q. Your corps composed an advance guard. Had you any detachment of the 17th light dragoons with you, four troops of that regiment being mounted; and if you had not, will you say where that corps and those four troops were stationed, or to what column attached?

A. I saw on the 29th, only about 30 horses in possession of the 17th light dragoons, that could be called tolerably fit for duty; what had become of the rest I know not: of those I had 12, if I recollect correctly; but in two days' time there were not two of those horses worth consideration, and the only mounted I had were three orderlies on my own horses: the

troop horses were so bad, as not to be worth consideration: the horses of that country never eat dry corn or forage.

Q. Was the country such as to have admitted of the march of the army in several parallel columns, and thus to have shortened the line of march?

A. From the Ensenada to the heights, I never could find more than one road, though I have tried it in every direction. Through the morass from the Ensenada to the Chuello, every part of the country seemed to be equally good for the passage of troops; from the height above the morass to the Chuello, the whole country appeared to be equally fit for the passage of the army in all directions: there were no impediments in one place more than another, that I saw, from the Chuello toward Buenos Ayres; the first two miles appeared perfectly practicable in all directions, and then there were two roads to the suburbs.

Q. Can you state the reason why the passage of the river was not attempted at the bridge?

A. I do not know correctly. The bridge was described to be of wood, and in the direction in which it was supposed to be, there was a very large fire, which the officers who had been in Buenos Ayres before, and the guide that was with me, believed to be the bridge on fire.

Q. Do you know, whether the bridge was or was not ever reconnoitred?

A. Not by me, certainly; I do not know whether any body else did. I did not arrive till dark that night, and I received my orders to march at nine o'clock the next morning; and the distance of the bridge from my position I believe to have been about six miles. I do not know whether it had or had not been reconnoitred.

Q. Was it not possible to ascertain the circumstance whether the bridge was on fire?

A. Certainly: by marching a considerable corps

A. I was ordered by Lieutenant-General Whitelocke to be at the Coral before the hour at which the cannonade was to commence; that I was to wait there till he arrived, and that then I should receive his orders.

Q. Were the orders or instructions given to he General Officers on the morning of the 4th, verbal or written?

A. The order to me was verbal; the orders which the Court heard read yesterday, was the detail which was read at that time, and which each officer copied.

Q. Was it then, or at any other time, communicated to the Generals and Officers commanding the different attacks, where the station of the Commander of the forces would be in case they should have occasion to report to him?

A. I do not remember that it was; but it may have been without my knowledge.

Q. Was it at the time of the delivery of the orders?

A. Not, to the best of my recollection.

Q. Upon a question being put yesterday to General Gower, why the attack was not made on the 4th, he gave it as a reason, that the commanding officers had expressed a wish to reconnoitre their points. I wish to ask, did he himself express a wish to that effect?

*Judge Advocate.*—The Honourable General will allow me to turn back to that question, because I am not quite clear that it is correctly stated. The question is, "Can you state to the Court why the attack was not made on the 4th?

"A. Not correctly.

"Q. Did you receive any, and what, information from General Whitelocke on that point?

"A. On the 4th, when the orders were given out, it appeared to be the general wish of the officers who had the command of divisions, to have the remainder

of that day to reconnoitre their points; and then it was, I believe, that the Lieutenant-General definitively fixed the subsequent morning for the attack. I have already stated, that he informed me he meant to summon the town a second time; and before he commenced the attack, the summons was actually sent in on the morning of the 4th.

"Q. Having stated that General Whitelocke joined the advanced guard about two o'clock on the 3d, with the main body, can you tell why the town was not summoned that same evening?

"A. I cannot.

"Q. Was you at any time informed by General Whitelocke, why the attack was not made upon the 4th?

"A. I have stated all I know upon that subject already."

Q. Did you yourself express a wish on the morning of the 4th, that the attack should be postponed till the 5th, in order to have an opportunity of reconnoitring?

A. No, I did not. I believe the enemy out-numbered us in the ratio of at least five to one in men, and ten to one in artillery.

Q. Did you receive any, and what, orders to collect horses for the cavalry and artillery at Colonia?

A. Certainly not. The order that I received was verbal; I do not remember it literally, but the impression it made upon my mind, and which I now have, was, that the great object of my being sent to Colonia, was to expedite the junction of that division of troops in the shortest possible time, lest bad weather should set in, and the transports be damaged in their then exposed situation. Colonel Bourke, the Quarter-Master-General of the army, was sent with me; he may remember it more correctly.

*President.*—General Gower, you were second in

command. Were you consulted upon the mode of attack made upon Buenos Ayres?

A. I wish to ask, whether the question relates to the mere attack upon the town, or the general conduct of the service.

*President.*—The attack upon the town.

A. I was. On the evening of the 3d, Lieutenant-General Whitelocke sent an order that I should come to his quarters; he there asked me if I had any idea how the town should be attacked. I stated, that having moved for that purpose the preceding day, I certainly had thought on the subject. He asked me if I had put my ideas upon paper; I answered that I had, and he desired to see it. I stated that I had it not then with me, that it was at my quarters at some distance, and he directed me to fetch it, which I did, and delivered it to him.

*General Norton.*—Q. Was there any considerable variation in your plan from that adopted by General Whitelocke?

A. Yes: mine having been made upon the march before I knew that the 40th foot and 17th light dragoons would not be there, included them also.

Q. Was there any other difference in the plan?

A. My first idea was an attack from the corps in column from a central point, and therefore it would have been a deployment previous to attack. The subsequent attack was made from the army when stationed in one line, consequently it was not necessary that that deployment should take place previously. I do not know that that can be stated as a very considerable difference, but it was a difference in the plan originally stated by me; the basis of the plan adopted by General Whitelocke was very much like mine.

Q. What was the distance between the village of Reduction and the position of your corps on the night of the 1st of July?

A. I should think between three and four miles.

Q. Was the nature of the country such that the route taken by your corps could have been seen from the village of Reduction on the morning of the 2d?

A. I should think so. I saw the principal column during the greater part of the day, and, apparently, just as it quitted the village of Reduction; and, therefore, I should think they could have seen us.

Q. Was there a free communication between the main body of the army and the corps under your command on the evening of the 1st?

A. There was no communication on that night. During the whole period of that march, it was impossible to communicate with tolerable safety, with a force under the strength of a company.

Q. Had you any guide with you on the morning of the 2d to show you the way to the Chico Pass?

A. I had a man with me who professed that he knew the road. Brigadier-General Craufurd also captured an Indian in the course of the previous night; they both seemed certain of its existence, but not of its exact position.

Q. Did you ever hear on which side of the river General Liniers had taken up his position in order to defend the passage of the bridge?

A. His batteries were certainly all on the western side. I have heard it reported, that he advanced over the bridge with some infantry, but I do not myself believe that any considerable number ever passed in our presence.

Q. Having stated that Buenos Ayres would, in your opinion, have been carried if Lieutenant-General Whitelocke had followed your line of march and passed the Chico Ford on the 2d, when your division passed it, state the grounds of that opinion.

A. It is grounded on the information I then pro-

cured from the prisoners, as I before stated, that the whole of the enemy's attention and means of defence had, at so late a period as twelve o'clock of that day, been directed towards the line of the Chuello and of the Plata, and consequently the entrance of a body of troops into the town on the western side, was by them totally unexpected and unprovided for.

Q. Was the plan of attack ordered on the 4th objected to by any of the principal officers of the army?

A. Certainly not: I believe every body was confident of its success.

*General Pigot.*—Q. When General Whitelocke joined you on the 3d, did he assign any cause to you why he had not given you that support which you had been induced to expect upon the message delivered to you by Lieutenant-Colonel Bourke?

A. I understood from him that the cause of his not sooner arriving at the Coral was, that his guide had lost his way.

Q. Were the officers encouraged by any thing which dropped from the Commander of the forces to state their objection to the plan of attack if they had any?

A. Certainly, and I did not hear the slightest objection.

Q. Did they express their approbation of it?

A. I was so peculiarly situated with the Commander of the forces that I had very little communication with any of them; with the few I had, they appeared to me to approve.

Q. What was that particular situation with the Commander of the forces to which you allude?

A. I have no objection to state that. Lieutenant-General Whitelocke was particularly jealous of the interference of any of his inferior officers; and I had it remarked to me, on that day particularly, by the commanding officers of artillery and commanding

officers of engineers, that they were forbidden to speak to him, because it was alleged that they had shown more attention to me than to him; and therefore I was precluded from any communication with him, or from venturing to act in any way without specific orders.

Q. Do you recollect any conversation to have taken place on the part of the General Officers on that occasion?

*Judge Advocate.*—I have not thought proper to interfere with any questions that have been put, because I considered, that in point of law, the fact of approbation or disapprobation of the officers who were called together to consider of a plan, was legal evidence; but I certainly do not think that particular observations made by an officer is legal evidence, when those observations are spoken to by another party who was present. The legal evidence would be to call the individual officer who made those observations; but the evidence of Major-General Gower, with respect to the observations of others, is clearly hearsay evidence, and very different from the approbation or disapprobation of those officers, which undoubtedly is evidence; and therefore it is for the Court to say, whether they will examine now to that point, or whether they will reserve it till they have the evidence (which they certainly will have) of the General Officers who were present. If it appears that those observations were made in the hearing of General Whitelocke, then I apprehend, according to the rules of evidence, it is a part of the Rei Gestæ; but whether it is so or not, is for the Court to determine.

*The Court proceeded.*

Q. Will you state whether you recollect any conversation having taken place on the part of the Ge-

*Judge Advocate.*—It seems to be a doubt, whether there is not an inaccuracy in the answer given by Major-General Gower to the last two points. It is understood by the Court, that the two points, the Residentia and the Plaza de Toros, were stated by General Whitelocke, as the proper places of retreat. I do not know whether it is so; but if it is, it is inconsistent with the last answer Major-General Gower has given. The question is, Were there any places pointed out to which the army was to retreat in case of an attack, in the general orders or otherwise? and the answer General Gower has given, is, No. Now if these places were mentioned by General Whitelocke at a meeting of officers or elsewhere, the answer "No" is inconsistent.

*Major-General Gower.*—I wish to explain. I meant that those points were not in the possession of the troops when the orders were given, and therefore could not be specifically stated as points of retreat; if they were carried, they were to be considered as such. I understood from that very answer to Brigadier-General Lumley's question, that they were to retreat to the outer flanks if they could; but to say peremptorily that they should retreat before they knew whether those points would be carried or not, I think impossible; but if they were taken, that those were the points to which they were to retreat. I do not know whether the Court heard the alteration I made in my answer the second time of its being read over. I added the words—"if they were carried."

*The former answer read as follows:*

"I understood myself, that the Residentia was "considered a good and defensible point, and was a "point upon which the corps of the right wing were "to retreat in case of accident if it was carried, and "the Plaza de Toros the place for the left."

Q. What force was appointed to the left on the western side of the town when the general attack was to be made on the 5th?

A. Four troops of carbineers dismounted, eight troops of the 9th light dragoons dismounted, one or two companies of the 88th regiment, I do not know which, and a very small piquet from each corps that attached, to carry their respective packs.

*The witness withdrew.*

*Lieutenant-Colonel Richard Bourke called in and sworn.*

*Judge Advocate.*—Q. Was you the chief officer in the Quarter-Master-General's department employed in the expedition to Buenos Ayres under Lieutenant-General Whitelocke?

A. I was.

Q. Relate the previous measures adopted by Lieutenant-General Whitelocke; the information received by him, the proceedings of the expedition under Lieutenant-General Whitelocke's command from the time of his arrival at Monte Video, till the night of the 4th of July, as far as they came within your knowledge, and without binding you to the order of time or any particular method, which may be generally described by a memorandum which I will put into your hands, containing the points to which I wish you to address yourself.

*The paper read.*

*Lieutenant-Colonel Bourke.*—I think the shortest way to answer this very extensive question would be to relate the circumstances in the order of time.—The evening Lieutenant-General Whitelocke arrived, I was introduced to him by Sir Samuel Achmuty, who had previously commanded at Monte Video. On the succeeding day I attended at the Government-House with the other officers, and had some conversation

with Lieutenant-General Whitelocke, who told me he was pretty well informed of the actual state of things from Sir Samuel Achmuty, and that the first object to which he had to direct my attention, was the providing sufficient quarters for the force to come out, and some means of mounting the cavalry, which he said he found, contrary to his expectations, were not all provided with horses. He then introduced me to Major-General Gower, who was then in the room, and said, this is Major-General Gower, who is the second in command, with whom you will discuss those points upon which I have spoken to you. I had at that time, and frequently afterwards, a good deal of conversation with General Gower upon those subjects; and it was found in about a few days that it would be extremely difficult to quarter all the troops expected from England with Brigadier-General Craufurd, but that there would be no great difficulty in providing stables for the cavalry. Whilst these affairs were transacting, Captain Thompson of the Fly sloop arrived from the Cape of Good Hope with dispatches from Brigadier-General Craufurd, stating, that the Brigadier-General was to leave the Cape on a certain day in the month of April, I forget exactly the day, and was shortly to be expected in the river La Plata. I believe the day after the arrival of Captain Thompson, the Master of the forces sent for me and said, that as General Craufurd was expected so soon, he was anxious that I should go up the river and examine that bank upon which Buenos Ayres is situated, and look out for a convenient place for landing the force that he intended to take against the town. I was also instructed to go to Colonia, in order to ascertain if Colonia would be a convenient place of rendezvous for the ships, and to confer with Lieutenant-Colonel Pack, who commanded there, upon the possibility of landing a small corps of troops more to the westward than Colonia, in order to cut

off a body of the enemy which was then upon the left bank of the river. The same day that I received those instructions from the General, he conferred with Admiral Stirling, and received from him all the information he could give respecting the possibility of landing upon the opposite side of the river. He consulted at the same time with an American, and with Colonel Dean of the 38th regiment, who had been at Buenos Ayres with General Beresford. I had before stated, that, from every thing I had heard upon the subject, the Ensenada de Barragon was the only place where the troops could have landed under cover of the ships of war, without going down at least 100 miles to the eastward of the town. In consequence of this, the General particularly directed his inquiries to the situation of the Ensenada, and to the state of the roads between Buenos Ayres and that place. It was stated, that the Ensenada was the place where goods were often landed, and from thence conveyed up to Buenos Ayres in wheel carriages. That evening I went on board the Fly sloop, and proceeded the next day up the river with Captain Thompson. We examined upon that and the succeeding days, a considerable extent of the coast from at least 60 miles to the eastward of the Ensenada de Barragon, as far as six or seven miles to the westward of Buenos Ayres; the result of which examination was, that we believed that there was no place where the troops could be landed under cover of the smallest ships of war, excepting at the Ensenada de Barragon. We were particularly anxious to ascertain if the landing could be effected to the westward of the town, but Captain Thompson was decidedly of opinion, that the navigation was too intricate to render it at all safe to conduct a fleet of transports to that point. After having gone over to Colonia, and ascertained that a large fleet could rendezvous in that harbour, I returned to Monte Video on the 27th or

28th of May. I had conferred with Lieutenant-Colonel Pack upon the other instructions which the General gave me, which I suppose I need not relate to the Court. I found, upon my return, that General Gower had arranged several measures with Admiral Stirling, with regard to the embarkation of the troops from Monte Video; that it was settled, that the transports were to be victualled for three weeks; that supplies for 10,000 men for three weeks, were to be embarked by the Commissary General; that 18 light guns were to be taken up, and some heavy pieces; I think four 24-pounders, and two mortars, but of this I am not certain. The whole of the arrangement of the artillery was confided to the commanding officer of the artillery. I found that the General had given up all idea of mounting the whole of the cavalry.

Adjourned.

## FIFTH DAY.

WEDNESDAY, FEBRUARY 3, 1808.

*Lieutenant-Colonel Bourke called in again.*

*Judge-Advocate.*—Q. Do you know whether there was any accurate survey made of the river Plata between Monte Video and Buenos Ayres, comprehending both banks of the river?

A. There was a survey of the river made by an officer of the navy; but there was no survey made of the land.

*(The last paragraph of the evidence of yesterday read over to the witness.)*

*Colonel Bourke.*—I found that the Lieutenant-General had given up all idea of mounting the whole of

the cavalry; and I cannot exactly state what measures had been taken in order to procure horses.—However, upon appropriating transports to the other services of the army, it was found that but five vessels would remain to be used as horse-ships. Upon my report and that of Captain Thompson of the navy, the Commander of the forces seemed disposed to fix upon the Ensenada de Barragon as the place for landing the troops who were to act against Buenos Ayres. The whole of the information which we had received respecting this place, and the roads and country from thence to Buenos Ayres, amounted I think to this: the distance from Ensenada to Reduction was said to be about 20 miles, and from thence to Buenos Ayres nine miles: that there were three different roads, one on the sands, one through the marsh, and the third upon the heights; the last was said to be the best: that in order to reach the heights some marshy grounds must be passed, through which the waggons and carts of the country commonly travelled: that the heights being once gained, the road was then firm and good: that there were but very few farm houses upon the road, nor could the troops expect to find shelter short of the suburbs of Buenos Ayres: that from Reduction the high road led over the bridge; but that by making a considerable detour to the left, we might if we pleased go round the head of the Rio Chuello. The whole of this information went before General Whitelocke, and the greater part of it was contained in a memoir written by a person who accompanied the expedition.—With regard to the projects of the enemy, it was understood that he intended to oppose our landing either at Quilmes point, at the town of Buenos Ayres itself, or at San Isidero, to the westward of the town: that he also meant to dispute the passage of the river Chuello, and had constructed batteries upon the left bank of that river. With regard to his force the reports were so various and contradictory,

that I believe no credit was attached to any of them. The force which was embarked and assembled near the Ensenada de Barragon on the 26th of June, amounted to 7822 rank and file, including 150 mounted dragoons. It was provided with 18 pieces of field artillery, and 206 horses and mules for their conveyance, and for that of small-arm ammunition. There was, besides, a large quantity of ordnance stores embarked, and a reserve artillery of some heavy pieces, mortars and howitzers. There were intrenching tools for 1000 men, six pontoons and their carriages, and some fascines. There was camp equipage for 10,000 men, but no horses had been embarked for its conveyance. The embarkation of the provisions, or the means of conveying them on shore, was not in my department, but I understood there was provision for 10,000 men for two months at least, and I had been applied to by the Commissary-General, for a ship to convey mules and carts across the river from Monte Video to the landing place.—I should observe, that in that 7822 men, were included 1550 which had been brought over from Colonia, on the 25th and 26th June.

I am now to describe the march of the army from the time of its landing to its position on the night of the 3d of July.—The first troops were landed about half past nine o'clock on the morning of the 28th of June: they consisted of General Craufurd's brigade, which were nine companies of the light infantry, and eight companies of the 98th or rifle corps, and the 38th and 87th regiments. Those corps, except three companies of the rifle corps which were ordered to be left behind, marched to the heights about four miles from the landing place under the command of Major-General Levison Gower: he had also, I believe, some mounted cavalry, and two field guns under his orders; but that I cannot exactly state, because I had received a particular order from the General not to move with the advanced guard. Before sun-set

this evening, all the infantry was landed, several field guns, artillery, and staff horses. The whole of the force, except Major-General Gower's force, was stationed in the village of Ensenada de Barragon. This evening the General stated it to be his intention to march the next morning at nine o'clock to the heights with the main body of the army: he desired me to remain behind to hasten, as much as possible, the disembarkation of the horses and stores which still remained on board: he stated also that he wished to have a considerable supply of bread and spirits sent up to the heights; and he authorized me, if the Commissary-General was not sufficiently provided with the means of conveying it, to have pack saddles put on some of the cavalry horses, and to have the provisions conveyed in that way. In consequence of this, I believe about 40 horses were turned over to the Commissary-General. By sun-set on the evening of the 29th, every thing was landed that could be conveyed. Early on the morning of the 30th, the artillery and commissary stores proceeded to the heights. On the march, the officer who commanded that part of the artillery showed me an order from Captain Frazer who commanded the whole, directing him to destroy the Spanish guns if he found any difficulty in bringing them through the marsh: as I supposed this order was with the General's consent, I gave mine also. I left the artillery on its march, and proceeded to join the General on the heights. I found that Major-General Gower had marched for Reduction, having under his orders four companies of the 95th regiment, and a light battalion under Brigadier-General-Craufurd, the 36th and 88th regiment under Brigadier-General Lumley, four six, and two three pounders, and some mounted cavalry. I found the General about to move with the main body of the army to the ground which I understood had been occupied the evening before by General Gower's corps.

He ordered the dismounted part of the 17th light dragoons and the 40th regiment to remain on the heights under Colonel Mahon, to escort the artillery when it should come up. He then moved forward with the main body about five miles, and the army was stationed at three farm houses, about two miles distant from each other, the 38th regiment in the rear, the 5th and the 87th in the centre, and Colonel Mahon's brigade in the front. The part of Colonel Mahon's brigade, which was with the main body of the army, consisted of the 6th dragoon guards dismounted, the 9th light dragoons dismounted, and the 45th regiment of foot. We received information that the artillery had all reached the heights, but that the seamen and horses were too much fatigued to bring it forward on that day. An express arrived from Major-General Gower, stating that he had halted about seven miles in our front: he said he had marched too late in the day to be able to reach Reduction the same evening.

*Judge Advocate.*—You are still speaking of the 30th.

A. Still speaking of the 30th. He said he was anxious to take his corps fresh to that place, because he had seen some Spanish officers reconnoitring his corps, and he conceived that the village might be occupied by the enemy: he also stated, that if he did not hear further from the General, he should proceed in the morning for Reduction. In answer to this, the General ordered him to halt where he was, until he should arrive with the main body of the army, which he hoped would be early the next day. An order was sent this evening to Colonel Mahon to proceed as far as he could the next day on the road towards Reduction. On the 1st of July in the morning, the main body of the army moved forward before sunrise, and the whole was united at the front of Ustantia, which is a farm house; I mean, the whole body of

the army under General Whitelocke. After some delay at this place, the main body moved forward and joined Major-General Gower about 11 o'clock.

Q. Was that at Reduction?

A. No; Major-General Gower had fallen short of Reduction. After a private conference between Generals Whitelocke and Gower, the latter moved forward with his corps, and the main body halted for full an hour. I could not ascertain the exact route which General Gower was to take; but about one o'clock the main body of the army moved forward for Reduction. A small advanced guard was formed to our column, consisting of four companies of the rifle corps and four grenadier companies, and upon approaching Reduction I moved forward with this advance. I found some of our own dragoons in the village, and then I found that Major-General Gower had passed through it with his corps. Shortly after the General came up into the village, and received a dispatch from Major-General Gower, in which he stated his having passed through Reduction with little opposition, that he should endeavour to push on that evening to the Rio Chuello, and, if possible, push a small corps across the river. A little before sun-set the main body of the army arrived at the village, and was stationed in front of it a few hundred yards. Some time after sun-set, a second dispatch arrived from General Gower; who stated that the ground in his front appearing very marshy, he had not pushed on to the Rio Chuello, but had halted about two miles from Reduction; that his leading brigades, he believed, were about five miles from the river, the bridge over which he believed to be burnt. This is, as far as I can remember, the substance of the dispatch. Shortly after we had reached the village of Reduction, an officer had landed from the fleet, to whom General Whitelocke had given some directions respecting landing some bread and spirits next day for the army.

Q. How far is Reduction from the river?

A. I believe about four miles; I cannot speak with certainty.

Q. Will you mention the name of the officer who landed?

A. I do not know. In the course of the evening General Whitelocke informed me that it was his intention to halt the next day, in order to allow Colonel Mahon and the artillery to join him, and that the whole of the army might be supplied with bread and spirits. It was also settled that General Whitelocke and some of his staff were to proceed in the morning to the advanced corps, from whence he was to proceed with an escort from Brigadier-General Craufurd's brigade, to reconnoitre the position which we understood the enemy occupied on the Rio Chuello. It was settled also that the fords over the river were to be examined; and it was imagined that, from this reconnoitring party, some project of march or of attack would be formed upon a *sure* basis. An order was sent this evening to hasten Colonel Mahon forward the next day. This I think closed the proceedings of the 1st of July.

On the 2d of July, about two o'clock in the morning, the General called his Secretary and myself, and said that he had changed his mind, and would order Major-General Gower to move forward, as he was very anxious that the troops should get into cantonments, which he understood could be found in the suburbs of the town of Buenos Ayres. He dictated a letter to General Gower, to the contents of which I cannot, at this length of time, positively swear, but to the best of my belief, the Major-General was ordered to proceed with the corps under his command, and pass the Rio Chuello at the first ford which he should find practicable above the bridge: he was to take up a position on the heights to the westward of the town, and was allowed to enter into a communi-

cation with the Spanish Commander, upon the subject of the surrender of the town, and I think he stated, upon the terms which he had already discussed. After some further conversation with the General, in which I stated to him our extreme ignorance of the country, and pressed upon him the necessity of reconnoitring the river, I was ordered to take a letter which was then written to Major-General Gower at day-break that morning. I accordingly proceeded with the letter to General Gower and delivered it to him. He complained to me that the 88th regiment, then under his command, was extremely unsteady and very much fatigued; and seemed altogether dissatisfied at the order he had received. I stated to him that, as the distance between the two corps was but short, it might perhaps be advantageous if he would communicate with the General himself upon the subject. He told me he had received a peremptory order to march, and should obey it. He then sent for Brigadier-General Craufurd, and an American who knew the country and served as a guide, and consulted with them upon the proposed march. He particularly questioned the guide as to the Passa Chico, which was supposed to be the first pass above the bridge: it was represented as a very bad pass, and about 5 or 6 miles distant from the Major-General's position. As far as I can remember, the result of this conference was, that the General would not move his corps to the Passa Chico, but would move along the heights and endeavour to find a more practicable ford. I can only state this to the best of my belief at this distance of time. Major-General Gower again expressed a good deal of uneasiness at this march which he was ordered to undertake; and I told him in consequence, that I would represent the matter to the General, and that I thought it was likely that he would move the whole army to his support; but that upon this

subject I could speak with no certainty, as the General had not communicated to me whether he intended to march that day or not. General Gower then wrote an answer to General Whitelocke's order, which he gave me to convey; and he desired me, at the same time, to write down the terms, which he was to offer to the Spanish Commander. Previously to my leaving Reduction that morning, the General had communicated to me what those terms were, which I wrote down accordingly at General Gower's request. I cannot, at this distance of time, exactly state what those terms were, excepting that the principal one was the immediate restoration of the 71st regiment, and the prisoners taken under General Beresford. I returned to General Whitelocke, whom I found half way between the two bodies. He asked me if General Gower seemed pleased at the order he had received. I stated that he complained of the state of the 88th regiment; and I submitted to the General, whether it would not be advisable to support him. The General, I think, first proposed sending him a single regiment; but a short time afterwards, he ordered the whole army to march at ten o'clock. He then desired me to write a letter to the Admiral, to state that the whole army was in motion, and proceeding to the westward of the town, and to desire that means might be taken for landing provisions there, and that the ships which conveyed the heavy artillery should be sent up there likewise. He then desired me to consult with one of the guides (the same man who had written a memoir upon the road, and who appeared to be the most intelligent), as to the shortest route to a practicable pass over the Rio Chuello. He stated, that at the distance of about two leagues, in a south-westerly direction, we should arrive at a place where the Rio Chuello was quite passable; and he brought us a peasant who stated,

that he was perfectly well acquainted with the country, and would conduct us there.

Q. Was the name of that ford mentioned?

A. It was not mentioned at that time. General Whitelocke had some conversation with this man, and he desired me to conduct the column under his direction. The army marched about half past ten o'clock, and proceeded about three miles in a south-westerly direction. A little before twelve o'clock, I saw the corps under Major-General Gower, at about three miles distance, proceeding nearly at right angles to our line of march. I stated this to the guide, who told me, that as soon as we had crossed a stream called the Arroyio de Masiel, we should move in the same direction also. We accordingly crossed the Arroyio de Masiel, and proceeded pretty nearly in the direction which the guide had stated. The guide then showed me a high tree upon a hill, under which he said, at a short distance, we should find the ford, to which he intended to conduct us. About half past two o'clock, as we were moving by two farm houses, the General proposed to halt for the day. I stated to him the information which the guide had given me, as to the distance of the pass, and also stated to him that, from my communication that morning with General Gower, I was convinced, that, unless he was actually ordered to halt, he would cross the river and proceed to the heights to the westward of the town. The General had not decided whether he would halt or not, when Sir Samuel Achmuty came up, to whom he referred the question. Sir Samuel immediately decided for halting, stating, I think, that there were a large quantity of sheep close to those houses, and that there was firewood in order to dress the meat. The army was accordingly halted, and formed two lines, Sir Samuel Achmuty's brigade in the front, and Colonel Mahon's in the rear. An officer and some dragoons were sent

back to Reduction to order Colonel Mahon to halt there till further orders. A little before sun-set this evening, we heard a cannonade apparently near Buenos Ayres, the steeples of which had been in sight ever since we left Reduction. On the 3d of July, the army marched a little before day-break, and passing by the hill which the guide had before pointed out, we proceeded towards the ford, which he then told me was called the Passa Desamonora. I then went on about a mile or a mile and a half in front, with the guide, in order to see the pass: the water was so deep that the guide swam his horse over, but proceeding about one mile further down the stream, we found a good and a safe pass. The army had arrived at the pass between nine and ten o'clock, but as it was exceedingly narrow, and the water nearly up to the arm-pits, the whole army had not passed until nearly one o'clock. About one mile and a half from the pass, we met an officer, sent by General Gower, who stated to us his having been engaged the evening before, and who conducted us to the General's position, which, I suppose, is about one mile and a half further. We found that his advanced posts had been engaged all the morning, and I understood that he had just before ordered them to withdraw, in order to induce the enemy to attempt an attack upon the line. I went in with General Whitelocke to Major-General Gower's quarters, who had the map of the town of Buenos Ayres upon the table, and who was desired by General Whitelocke to point out the best position for the troops then come up, as he observed, that, from his having been longer on the ground, he must be better acquainted with it. General Gower proposed that Sir Samuel Achmuty's brigade should be placed upon the left, and should extend itself as far as the Recolata Convent, on the banks of the river Plata; but as the distance was too extensive, he was directed to place his

brigade in that direction. Colonel Mahon's brigade was ordered to the right, as the enemy did not come out in the way General Gower seemed to expect. The advanced posts of the army were ordered to be resumed. I went to the right of Colonel Mahon's brigade, in order to see how they were placed, and returning from thence, about five o'clock, I called at General Gower's quarters, and he showed me a plan for an attack upon the town, which he appeared to have just finished, and which was completely detailed in all its parts, and was the same which was given out the next day in orders, with some very trifling alterations. I proceeded to look at the advanced posts of the centre, and left General Gower, as I understood, going to head-quarters with the plan. I reached head-quarters after dark, and in the course of the evening, Lieutenant-General Whitelocke asked my opinion of the plan of attack, which was to take place the next day at twelve o'clock. I stated great objections to one clause, which stated that no prisoners were to be made; as I conceived that in an attack of that sort upon an open town, it would be impossible to prevent a great deal of butchery. I said I thought the plan would succeed, but that it appeared to me to be completely a new case, as I did not remember to have heard before of a similar order of attack. The Lieutenant-General said, he would leave out the order for making no prisoners, and that he would summon the town the next morning before he attacked it; he admitted that the plan was novel, but stated that he was compelled from circumstances to adopt it. I understood that an order was sent this evening to Reduction to Colonel Mahon, to order him to move the next morning towards the bridge over the Rio Chuello, and there to wait for orders; but as that order was neither written nor given by me, I cannot exactly swear to it, but it seemed determined to commence the attack upon the town,

whether his arrival on his ground should be reported or not. On the morning of the 4th, the Brigadier-Generals and some commanding officers of regiments attended at head-quarters, where Major-General Gower read and explained to them the order of attack which I put down upon the plan of the town. Shortly afterwards the Adjutant-General and myself, and all but the Brigadier-Generals, were sent out of the room, and I supposed their opinions were going to be taken upon the plan of attack. This conference was soon broke up, and the attack was ordered to take place at half past six the next morning. I had received no orders either from the Lieutenant-General or from Major-General Gower upon the subject of this attack, but I went out on horseback for the purpose of endeavouring to reconnoitre some part of the ground through which the different columns were to move forward for the attack of the town. I found that the advanced posts were engaged, and that the same plan was adopted for the purpose of drawing the enemy out of the town, which had been practised without success the day before. It was not till about three o'clock in the afternoon that the advanced posts were resumed, and I had but just time before dark to show the Brigadier-Generals the roads through which the wings of regiments composing their brigades were to march into the town: in this I was assisted by one of the guides, who showed me the street that led to the north-east bastion of the fort, which I took as a point of departure. I found that there was a considerable variance between the plan and the ground; and I reported to Major-General Gower that I believed the columns would not at all be placed in the way in which he seemed to wish, and expected. I thought it my duty to state to him, that if the attacking columns proceeded in the way he had ordered, the enemy would probably retire into the streets that run at right

angles, and afterwards, closing upon our columns, would probably cut off all communication between those within the town and those without. Major-General Gower made light of those objections. In the course of the day the Commanding Engineer had brought me a return of all the instruments he had been able to collect for breaking open doors, &c. and I desired him to give those which appeared to be most effective to the light battalion and the rifle corps, who I understood were to endeavour to occupy two of the principal churches. Late in the evening I met Major-General Gower returning from head-quarters, who asked me where I thought the Lieutenant-General had better place himself in the morning. I stated that I thought he had better proceed to the left with the 38th regiment, as there were two brigades to attack the town upon that side, and that he, Major-General Gower, might perhaps be stationed upon the right, as the centre was intended to be but a false attack. He informed me that the Lieutenant-General had ordered him to remain with him, and that therefore he had named the centre as the proper station, and that it had been agreed upon accordingly. I do not remember any other thing of consequence that occurred this day: I believe there were one or two orders sent to Colonel Mahon, but I cannot say to what effect.

*Judge Advocate.*—Perhaps the Court would wish to have this long narrative read over, in order that the witness may see whether it is taken down accurately.

*A Member.*—If it is concluded, certainly.

*The whole of the narrative read over to the witness.*

*Judge Advocate.*—When you went to Colonia, as you have stated, to confer with Colonel Pack, who had the command there, were you directed to

make any and what inquiries as to the number of horses provided there for the use of the expedition?

A. I do not remember that I was. I believe at that time the horses at Colonia were in very bad condition.

Q. You were not at Colonia afterwards.

A. Yes, I was.

Q. At what time?

A. I was sent there with Major-General Gower, on the evening of the 24th of June, I think.

Q. What number of horses did you find provided there at that time for the use of the expedition?

A. I do not believe that any horses were provided there for the use of the expedition: there had been a squadron of dragoons stationed there for a considerable time before.

Q. Do you know what number of horses there were at Colonia at that time?

A. I cannot exactly state, as I had no returns, but I believe there were about 150.

Q. Do you know whether those 150 horses had been properly trained for army services?

A. I cannot say.

Q. How many transports had been provided for the conveyance of horses for the use of the expedition?

A. I think there were four for the artillery horses and mules, three for the cavalry, and two for the staff, besides a ship which was allotted to the Commissary-General?

Q. Were the 206 mules and horses, which you have described to have been conveyed to Ensenada, transported in the nine ships you have stated?

A. I stated that there were four ships allotted to the purposes of the artillery, I believe.

Q. Three for the cavalry and two for the staff?

A. I cannot speak definitively to the artillery ar-

rangements, as they were all confided to the Commanding Officer.

Q. Previous to your leaving Monte Video, were any and what measures taken for collecting the small craft in the river Plata?

A. I never heard there were any small craft in the river, except in the harbour of Monte Video and at Buenos Ayres.

Q. In the survey which you have described to have been made of the banks of the river, with a view to ascertain the most proper place for landing the troops, did there appear to be any other objection to Point Quilmes than that which you have already stated, namely, that the troops could not land there under cover of the ships of war?

A. I stood in as close to Point Quilmes in the Encounter gun-brig, as the shallowness of the water would permit; I believe I was then one mile and a half from the shore. I went up into the main-top in order to look over the beach, and saw that a battery had been erected at the village of Reduction, as I suppose to command the passage through the marsh, in which marsh General Beresford had before nearly lost all his artillery when he landed.

Q. Were there any other objections?

A. I have before stated it was understood that the enemy intended to oppose our landing at that place: I know of no others, except it is generally supposed safer to land in a harbour than on the open coast.

Q. Were there any and what objections to landing higher up the river, besides that which you have stated, namely, the difficulty which Captain Thompson suggested of conducting the troops so high up the river?

A. I supposed that that objection was conclusive.

Q. Were there any other objections?

A. I know of none, excepting that the transports

could not be brought up there, and therefore I cannot see how they could disembark the troops.

Q. Were there any, and if any, what number of flat-bottomed boats accompanying the army which might enable them to land in places where the shallowness of the water would not admit of transports, in case the Commander in Chief had adopted such a plan of operation?

A. Previously to leaving Monte Video, I had received a return from the Transport Agent, of the number of flat-bottomed boats; and, as well as I can remember, there were but seven or eight in the river, six of which were given to the commanding officer of artillery for the disembarkation in the Ensenada de Barragon.

Q. If there had been a sufficient number of flat-bottomed boats prepared for the transport of the troops, is it your opinion that the landing above the town would have been the most proper place to land?

A. As far as I understand, the use of flat-bottomed boats is to convey the troops from the transports to the shore; the difficulty here seemed to be to get up the transports.

Q. How high up the river did it appear that the transports could reach without difficulty?

A. I cannot exactly say, but I believe they could not proceed with safety even as high as the town.

Q. Then of course you cannot state what distance the troops would have had to row in flat-bottomed boats, if there had been a sufficient number provided.

A. It is impossible to state, without I was acquainted with the anchorage of the ships and the place intended to be landed upon.

Q. What is the distance between Colonia and the opposite bank of the river?

A. I believe between seven and eight leagues.

Q. Having stated in your evidence this morning that you saw an order to spike the Spanish guns, what number of Spanish guns were there?

A. There were either four or six four-pounders; I cannot exactly say which.

Q. Did they form a part of the eighteen you mentioned?

A. They did.

Q. What other losses in stores or provisions did the army sustain in their march to the height on the day of landing?

A. I cannot speak with certainty; I believe only a few bags of biscuits, which the horses kicked off.

Q. Do you know whether all the provisions that were landed were taken from the banks of the river?

A. I cannot speak with certainty.

Q. What number of guides were taken from Monte Video to accompany your expedition, and how were they distributed, what number to the advanced corps, and what number to the main body?

A. There were two persons taken expressly for the purpose of serving as guides, and there was a third person who was of great service in that way; there was one of them with each division.

Q. Were there any, and what number of, prisoners taken before the army reached Reduction, who acted as guides, independently of the persons you have mentioned?

A. There were no prisoners taken from the enemy's army, but there were two persons taken from the village of Barragon.

Q. Were those the only people in the country who acted as guides during the march from Ensenada to Reduction?

A. I believe they were the only persons.

Adjourned.

## SIXTH DAY.

THURSDAY, FEBRUARY 4, 1813.

*Lieutenant-Colonel Richard Bourke called in again.*

*Judge Advocate.*—Did the troops land at Ensenada in a state of light equipment with a view to the active operations in which they were to be engaged?

A. The order in which they were to land was given out in general orders a few days before; I think each man was ordered to land with a great coat, a blanket, a flannel waistcoat, and a pair of socks.

Q. Were the horses of the country sufficient for the cavalry service and the commissariate and ordnance?

A. I cannot exactly speak to those points; I believe they were the best horses that could be procured.

Q. Were all horses provided for the use of the army, and that were embarked for the use of the army, landed at Ensenada?

A. I believe they were.

Q. State the particular corps to which the 150 mounted dragoons were allotted?

A. I cannot state exactly the number of dragoons that were with the army, nor can I give their exact distribution.

Q. What proportion of the 150 light dragoons were attached to the main body of the army? state as accurately as you can.

A. I believe 40 at the utmost.

Q. Without expecting precise accuracy in the answer, in what proportion were the remainder distributed to the other bodies?

A. I cannot at all speak to that point from my own knowledge.

Q. How were the 40 horses, which you have stated were given up to the commissariate on the 29th of June, disposed of during the subsequent movements of the army?

A. I believe the greater part of them moved with the main body of the army.

Q. And in what service were they employed?

A. I think when the provision which they carried was consumed, they were chiefly employed to carry the sick men who were unable to walk.

Q. How long were those 40 horses employed in carrying provisions?

A. Some for a longer and some for a shorter time; I believe the whole of the bread which they conveyed was consumed by the time the army reached Reduction. I beg to observe, that I cannot be precise upon any of these points.

Q. During the march from Ensenada to Reduction, were any provisions delivered to the men?

A. There were.

Q. At what period?

A. Upon the 30th of June.

Q. What provisions were they, and to what amount?

A. Some bread and fresh meat.

Q. By fresh meat, do you mean meat landed at Ensenada, or provided in the country subsequent to the landing?

A. Provided in the country.

Q. Can you tell to what amount per man?

A. I have before said I could not tell.

Q. Did the advanced corps receive the same proportion of the provisions delivered out subsequent to

the landing with the rest of the army, whatever that provision was?

A. I cannot tell.

Q. Having overcome the local difficulties between Ensenada and the heights, was any previous calculation of marches made and supported by suitable arrangements for feeding the troops and moving the artillery, such as in your judgement as Quarter-Master-General promised the best chance of a rapid advance to Buenos Ayres?

A. I never heard of any calculation or arrangement whatever upon this subject; I was totally ignorant of the plan of operations which the General intended to pursue.

Q. Were there any local impediments to the army advancing from the heights above Ensenada to the Chuello in parallel columns, and thereby shortening the line of march?

A. I can only speak with certainty of the ground which I went over myself; I believe there was no local impediment as far as Reduction.

Q. Would the shortening of the line of march have quickened the operations, ensured a ready communication between the two corps, and the certainty of mutual support in case of coming into action with the enemy?

A. I do not precisely understand the question; because if the two corps had been close to each other, they could have more readily supported each other: I do not understand the question exactly.

Q. Were there any inhabitants in the houses which the army passed on the 30th?

A. I believe not one.

Q. Was there any intelligence received on the 30th, and if there was any, what was it as to the state of the bridge over the Chuello, and the state of the preparations made by the enemy for defending the passes over that river?

A. I believe there was no intelligence received on that day: I never heard of any.

Q. Did you find, upon your arrival at Reduction, any number of men belonging to the advanced column who had fallen back, who had not been able to proceed through fatigue?

A. I did.

Q. About what number of men did you find in that situation at Reduction? Of course it is a question that it is impossible to answer accurately.

A. I believe there were altogether about 150 men in the village; but the whole of those were not fatigued men, but were left by General Gower to keep possession of the village.

Q. Had any, and what number of, the advanced corps fallen back from fatigue, either upon the main body, or been left in the rear, under Colonel Mahon, previous to the arrival of the army at Reduction, during the march of the 29th and 30th, and the 1st of July?

A. I cannot exactly say; if any, there must have been very few, the marches were so short.

Q. Having stated that about two o'clock in the morning of the 2d of July, General Whitelocke called his secretary and yourself, and said that he had changed his mind, and would order General Gower to move forward, as he was very anxious that the troops should get into cantonments, which he understood could be found in the suburbs of the town of Buenos Ayres; he dictated a letter to General Gower, to the contents of which you could not, at this length of time positively swear; but, to the best of your belief, the Major-General was ordered to proceed with the corps under his command, and passed the Rio Chuello at the first ford that he could find practicable above the bridge; he was to take up a position on the heights to the westward of the town, and was allowed to enter into a communication with

the Spanish Commander upon the subject of the surrender of the town—I believe I am stating to you accurately your evidence of yesterday, and putting you in mind of that statement—I would ask whether what you have already stated, as to the contents of that letter, is the whole that you can recollect?

A. It is the whole that I can recollect; and even to that, as I before said, I cannot positively swear.

Q. Then can you, or can you not, state, whether there might be other parts of that letter, which your recollection, at this distance of time, does not enable you to speak to?

A. Certainly there might.

Q. Were the terms which General Gower was allowed to offer to the town of Buenos Ayres specified at that time by General Whitelocke, either in writing or in conversation?

A. They were communicated to me verbally, by General Whitelocke, a little before the time that I set off with the letter to General Gower.

Q. Having stated that General Gower desired you to write down the terms of the offer to the Spanish Commander, and that you did write them down according to General Gower's request, are you certain that the terms which you wrote down were the terms dictated to you by General Whitelocke?

A. As so short a time had elapsed between my receiving them from General Whitelocke, and writing them down for General Gower, I should suppose they were.

Q. Have you any doubt upon that point?

A. The question is exceedingly difficult to answer. I should suppose I wrote them down with accuracy. I cannot swear I wrote them down with accuracy, but, to the best of my belief, I wrote them down with precise accuracy.

Q. Having stated, that in this conversation with General Whitelocke you stated, in objection to the plans that he proposed, your extreme ignorance of the country, to use your own words, and pressed upon him the extreme importance of reconnoitring the river; I would ask, what answer was made by General Whitelocke to your observations?

A. As far as I can remember, he stated great anxiety to get the men into cantonments, as he was apprehensive their health would suffer by being exposed for any greater length of time.

Q. You stated, yesterday, that "it was settled in "the evening of the 1st of July, that General White-"locke, with some of his staff, were to proceed in "the morning with the advanced corps, from whence "he was to proceed with an escort from Brigadier-"General Craufurd's brigade to reconnoitre the po-"sition which it was understood the enemy occupied "on the Rio Chuello. It was settled also, that the "fords over the river were to be examined; and it "was imagined, that from this reconnoitring party "some project of march, or of attack, would be form-"ed on a sure basis. An order was sent in the "evening to hasten Colonel Mahon the next day, on "the 2d of July. Two hours afterwards, about two "o'clock in the morning, or rather in the night, Ge-"neral Whitelocke called his Secretary and myself, "and said, he had changed his mind, and would or-"der Major-General Gower to move forward. He "dictated a letter to General Gower, to the con-"tents of which I cannot at this length of time po-"sitively swear, but to the best of my belief, the "Major-General was ordered to proceed with the "corps under his command, and pass the Rio "Chuello at the first ford which he should find "practicable above the bridge. He was to take up "a position on the heights, to the westward of the "town, and was allowed to enter into a communi-"cation with the Spanish Commander, upon the sub-

"ject of the surrender of the town; and I think he "stated, upon the terms which they had already dis- "cussed. After some farther communication with "the General, in which I stated to him our extreme "ignorance of the country, and pressed upon him "the necessity of reconnoitring the river, I was or- "dered to take the letter, which was then written, to "Major-General Gower, at day-break that morn- "ing."—It is upon that conversation that my ques- tion was put, which I beg to be read over again.

A. It makes no difference in my answer. I do not know that General Whitelocke assigned any other reason for departing from the one mode of operation and adopting the other.

Q. Had you then, or at any other time, any and what reason to think that General Whitelocke changed his original plan for reconnoitring the approaches to the river Chuello on the 2d of July, in consequence of any intelligence received, or solely from the anxi- ety he expressed to get his troops under cover?

A. I can only state the reasons that General Whitelocke gave to me.

Q. Did General Whitelocke add any verbal in- structions to the letters he dictated to General Gower, and directed you to convey to him?

A. I do not think he did.

Q. Was nothing said about the 87th regiment be- ing sent to the assistance of General Gower.

A. I do not remember any thing on the subject at that time. When I came back from General Gower, I think General Whitelocke spoke of sending him the 87th regiment.

Q. In your interview with General Gower, did you give him any reason to expect that any particu- lar regiment would be sent to him?

A. I do not remember that I did.

Q. Do you know, whether, after you returned from General Gower's quarters to Reduction, any

orders or dispatch was sent by General Whitelocke to General Gower in the course of the 2d of July?

A. I do not know that there was.

Q. Have you any reason to believe there was not?

A. If any had been sent, I think I should have heard of it.

Q. Having stated that you were ordered to proceed at day-break to General Gower, at what hour does the day break at that period of the year?

A. I believe at about half after six.

Q. What was the state of the weather at that time?

A. The 2d of July was an exceedingly fine day: the night before there had been a good deal of rain: the day was very fine.

Q. You stated, that upon your return from General Gower, on the morning of the 2d, you met General Whitelocke between the main body and the advanced corps. Do you know for what purpose the General had advanced?

A. I do not.

Q. Did he proceed after you met him, or did he return to Reduction?

A. He returned to Reduction.

Q. Did you learn from him where he was advancing to?

A. I did not.

Q. Do you know whether he returned to Reduction in consequence of any communication he received from you, or for what other reason?

A. I cannot say.

Q. When you met General Whitelocke, did you inform him that General Gower had complained to you of the inefficiency of some of his infantry?

A. I did. I have already stated that in the evidence I gave yesterday.

Q. What statement did you make to General Whitelocke, when you met him between General

Gower's head-quarters and Reduction, of the conversation which had passed between yourself and General Gower? I want to know in detail what you stated to General Whitelocke.

A. I cannot, at this length of time, recollect the whole of the conversation. I stated, that General Gower seemed dissatisfied with the order, and complained of the inefficiency of the 88th regiment. General Whitelocke seemed to be very soon aware of the necessity of supporting him—but I cannot, by any means, attempt to give the whole of the conversation in detail.

Q. Did you state to General Whitelocke, that General Gower had informed you, that he considered his orders as so peremptory, that he should resolve to carry them into execution, and would obey them?

A. I do not remember that I did at that time.

Q. Did you apprise General Whitelocke that you had given General Gower reason to believe that he would be supported by the main body of the army?

A. I do not remember to have given General Gower reason to believe that, strictly speaking.

*Judge Advocate.*—I feel no objection to alter the question. Did you apprise General Whitelocke of the conversation you had had with General Gower, upon the subject of the Commander of the forces marching the whole army to his support?

A. I believe I did.

Q. Did General Whitelocke make any and what reply to that communication from you?

A. I do not remember.

Q. Having stated, that by General Whitelocke's order you wrote a letter to the Admiral on the morning of the 2d of July, did you keep a copy of that letter?

A. I did not.

Q. Having stated, that about twelve o'clock, on your march upon the 2d of July, you perceived Ge-

neral Gower's corps about three miles off, I would ask, whether you saw General Gower's corps at any other, and, if at any other, at what other period of that 2d of July?

A. I never saw it afterwards.

Q. Did your observation of the face of the country, and the direction in which the advanced corps were marching when you saw them about twelve o'clock, lead you to conclude that it must have passed the Chuello, and consequently found a ford?

A. I had no means of forming an accurate conclusion upon that head.

Q. Did there appear any difficulties in the face of the country, in the march of the main body being pointed towards the direction where you perceived the advanced corps, as you have stated, so as to have formed a junction with that corps?

A. I have before stated, that the guide informed me, that when we had crossed the Arroyio de Masiel, which was then before us, that we should then move in the same direction in which I observed the advanced corps to be moving. After we had passed that stream, I did not perceive any local impediment for a junction.

Q. Do you know what number of mounted dragoons General Whitelocke had in his division, in his march on the 2d of July?

A. I said before, I could not speak with accuracy on that subject. I believe, altogether, he had not forty. Forty was the utmost.

Q. Was any attempt made by General Whitelocke to communicate with General Gower, by patrols, or in any other manner, on the 2d of July?

A. I believe there was not.

Q. Should you have known of that fact?

A. I suppose I should.

Q. Was there any reason why a patrol of cavalry might not have been sent to them, when you stated

the advanced corps to have been in sight, about three miles off?

A. There was no reason why a patrol might not have been sent, but I cannot pretend to say it would have arrived at General Gower's corps.

Q. State what difficulties presented themselves to your observation, in the way of the arrival of a body of the cavalry, reaching the advanced corps at that period of time.

A. I understood from the guide, that we were at that time at different sides of the Arroyio de Masiel, and I saw, myself, a considerable swamp intervening.

Q. Were any, and what, means taken to procure guides in the course of the day, either at Reduction or in the course of the march?

A. I do not believe there was a single inhabitant in the village of Reduction, when we arrived there. The man who conducted our column had come over with the Commissary from Colonia.

Q. That is hardly an answer to the question.

A. There were none. The houses we passed by were all deserted.

Q. Was there any, and what, information received that day by General Whitelocke, as to the state of the bridge over the Chuello, and the state of the preparations made by the enemy, to defend the passes over the river, down to the close of the 2d of July?

A. I was not informed by General Whitelocke that he had received any intelligence whatever upon these points, except what had been communicated to him by Major-General Gower, respecting the bridge.

Q. When General Whitelocke ordered his army to halt, as you have stated, at half past two; about how many miles had you marched that day?

A. I believe about seven miles.

Q. Was the fatigue of the army such as to render the halt unavoidable?

A. I cannot speak with any certainty to that point.

Q. What was the length of the preceding day's march, the 1st of July?

A. I believe about 15 miles from head-quarters: the corps were stationed in three different bodies.

Q. What was the length of march on the 30th.

A. About five miles.

Q. And on the 29th?

A. About four miles.

Q. Having stated in your evidence yesterday, what the guide said as to the distance of the pass, and that from your communication that morning with General Gower, you were convinced, that unless they were actually ordered to halt, he would cross the river, and proceed to the heights westward of the town; I would ask you what answer you received from General Whitelocke to your representation.

A. I think he stated that the troops were fatigued, and that the spot we were then on, seemed a convenient place for halting, on account of the fire-wood which was there, and the large flocks of sheep which were close to it.

Q. How many hours remained of day-light, when the army halted?

A. I should suppose, not more than two hours and a half, at the utmost.

Q. You state in your former evidence, that you heard a cannonade on the side of Buenos Ayres; did that occasion any proposals for giving prompt support to the advanced corps, from any one?

A. I do not remember to have heard any proposal of marching that afternoon.

Q. Did General Whitelocke make any observations to you upon the subject of that cannonade?

A. It is very probable he did; but I do not remember what they were. I do not think I was with General Whitelocke at the time we heard the cannonade.

Q. At about what time in the evening was the cannonade heard?

A. A little before sun-set.

Q. Were any, and what, measures taken in consequence of hearing that cannonade?

A. I believe there were no measures taken in consequence of it.

Q. At what hour does the sun-set at that period of the year?

A. I believe, before five o'clock. I cannot say exactly.

Q. At what hour was the main body ordered to march on the morning of the third?

A. At six o'clock, I think; which was before day-break.

Q. With regard to the plan of attack: Did General Whitelocke ever state to you any plan upon which he intended to act in the attack upon Buenos Ayres?

A. He never stated to me any precise plan upon which he intended to act; but I collected from various conversations, that he intended to place his left upon the river Plata, to communicate from thence with the shipping, and take such measures against the town as circumstances might seem to require. I have heard him further say, that he would be very cautious how he suffered the troops to enter the town; and I understood from him, that he intended to employ heavy artillery against it. I never saw any precise plan to this effect; nothing detailed.

Q. At what hour on the 4th was the conference, to which you alluded in your evidence yesterday, between the Generals held at head-quarters?

A. I believe, about ten o'clock.

Q. You stated that the attack was to take place at noon, that day, upon the 4th. Do you know why it was deferred from twelve o'clock on the 4th, till the next day?

A. I do not.

Q. Did you state to General Whitelocke your objections to the mode of attack, which you stated, in your evidence yesterday, you made to General Gower?

A. I do not remember that I did.

Q. You have stated, that you reported your local observations to Major-General Gower, and the probable consequences of certain parts of the plan of attack. Was it understood, upon the 4th, that the immediate direction of the attack was left to General Gower?

A. General Gower gave out all the orders on the subject, that I heard of.

Q. Do you know whether General Gower received from General Whitelocke the orders that he, General Gower, gave out upon the subject of the plan of attack?

A. The orders that I allude to were given out at head-quarters, in General Whitelocke's private room, and in his presence. Excepting in some few points, they appeared to me to be the same that General Gower had shown me on the preceding evening.

Q. Had you any knowledge of a want of confidential communication between General Whitelocke and General Gower?

A. I had not.

Q. Having stated in your evidence yesterday, that General Whitelocke told you that he had adopted a plan of operations against Buenos Ayres; that the plan he had adopted was novel, but which he felt himself compelled, by circumstances to adopt; did he state to you what those circumstances were?

A. I think he stated that he was afraid the army would want provisions; and also, that he had not found General Gower's corps in the situation which he expected. The reasons which he gave made very little impression upon me at the time. I cannot recollect more than what I have said.

Q. Did he add what that situation was in which he expected to find General Gower's corps?

A. I do not remember that he did.

Q. Having stated in your evidence yesterday, that an order was written to Colonel Mahon, and sent on the night of the 3d, can you tell by what means, or by what route, that order was sent?

A. The order was sent by a mounted countryman.

Q. Was that countryman unattended, or what escort had he?

A. He was unattended, I believe.

Q. Where was Colonel Mahon at the time that order was sent?

A. At Reduction.

Q. What was the purport of the order?

A. I stated in my evidence yesterday, what I believed to be the purport of the order; that he was to move the next day towards the bridge over the Rio Chuello.

Q. At what hour of the evening or night was this countryman sent with the order?

A. I cannot exactly say.

Q. Do you know what route that countryman was directed to take?

A. I do not.

Q. Do you know whether this countryman came with the army from Monte Video, or whether he joined the army subsequent to the landing at Ensenada?

A. I believe he came with the army from Monte Video.

Q. Will you state the substance of the information received by General Whitelocke, of the force of the enemy, their means and disposition to resist, between the time of the junction of the main body with the advanced corps on the 3d, and the close of the 4th of July?

A. I believe there were some prisoners examined

upon the 4th. I was not present at their examination, nor do I know what intelligence they gave.

Q. Who examined those prisoners?

A. I do not know.

Q. Was any, and what, attempt made during the period to which I have last referred, on the part of General Whitelocke, to reconnoitre the state of the bridge over the Chuello, and the position of the enemy without the town?

A. I never heard that General Whitelocke gave any orders on the subject.

Q. Was the halt, on the 2d, near the farm-houses, before the main body had secured the pass of the Chuello?

A. Yes; I stated that we passed the Chuello the next day, the 3d.

Q. Did General Whitelocke, in person, reconnoitre the approaches to the town, after his arrival at the Miserere, before the close of the 4th of July?

A. I did not see him at any time making such a reconnoisance.

Q. Have you any, and what, reason to know whether he did or did not make such a reconnoisance?

A. I have stated that I did not see him; nor have I ever heard that he did.

Q. Having heard the charges against General Whitelocke read over yesterday, have you such a recollection of them as to be able to state, whether you have any additional information to give the Court respecting the subject of those charges, within the period ending with the close of the 4th of July?

A. I believe I have related every thing material within my knowledge.

*Questions put by General Whitelocke.*

*Judge Advocate.*—The first question I am desired to put by General Whitelocke is this: Was not

every effort made at Monte Video to procure guides of intelligence as to the country; and was it possible to procure any further assistance in that respect?

A. I believe every effort was made.

Q. Were all the transports which could be procured employed in the service, and every practicable means used to convey horses and stores for the use of the army?

A. All the transports at Monte Video were appropriated to the services of the army after General Craufurd's arrival: there were some few which came with him that were not employed.

Q. How soon after General Craufurd's arrival did the expedition sail?

A. I think General Craufurd arrived at Monte Video on the 14th of June. The greater part of his force was ordered up to Colonia on the 16th; and on the 21st the General embarked himself in the expedition. The preparations had all been concluded some days before, but the wind was not fair for sailing.

Q. Are not mules more used than horses in travelling carriages in that country, and were we able to procure any quantity of mules?

A. They are more frequently used; we procured some, and I cannot state whether we could procure more or not: I should suppose we could.

Q. Do you recollect my directing a purchase to be made of a ship-load of mules, destined for the Cape of Good Hope?

A. I do.

Q. Do you recollect the difficulty of procuring grain for the horses, and the measures I took to procure it for present as well as for future consumption?

A. I remember there was considerable difficulty.

Q. Were not the horses we did procure wholly incapable of supporting any continued hard work,

and did not many of them become almost useless during the march, even the first day, from Barragon?

A. I believe they were totally incapable of enduring much fatigue: I cannot speak with certainty of the state they were in after they reached the heights from Barragon?

Q. Was it practicable to have conveyed camp equipage, or any greater quantity of provisions and stores with our means, and with reference to the difficulty of crossing the morass and rivulets with marshy banks?

A. I believe it was not possible.

Q. Did we not look to the navy for means of procuring further supplies, particularly when we arrived at the westward of the town?

A. I always understood that one of the objects in marching to the westward of the town was to open a communication with the navy.

Q. What additional supply of provision was looked to on the march, and of what description was it, and how procured?

A. We procured some sheep and some bullocks on the march. I cannot state what supplies the General may have expected to have found.

Q. Was it known that bullocks and sheep must be found in crossing the country, and did we not find a sufficient supply of both?

A. It was expected that we should, and we accordingly did, find a very sufficient supply of bullocks and sheep.

Q. Was it not understood that General Beresford had landed at Quilmes after a continuance of dry weather, and even after that lost some of his guns; and was it not supposed that therefore the difficulties which he had to encounter would be increased?

A. I had heard that General Beresford had lost some of his artillery in his march near Quilmes; but

I never heard the state of the wather at that time or before.

Q. Have you never heard that it had not rained for five months before?

A. I do not recollect to have heard it.

Q. If the morass at Quilmes had been even as bad as that at Ensenada, could you have crossed it under the fire of the batteries you observed? or if you could have crossed it, must not such an attempt have been attended with very serious loss?

A. I never had an opportunity of examining the ground sufficiently close to be able to answer that question with precision. I should suppose, as the ground was very difficult to go over, they must have suffered a good deal; but I never had an opportunity of examining the ground.

Q. Did not your observation upon Quilmes and the battery, when you went up the river, lead you to conclude and recommend that it would not be advisable to attempt a landing there?

A. It led me to prefer the Ensenada to Quilmes decidedly, for that and other reasons which I have stated.

Q. Were we not on the march continually crossing marshy rivulets, and was not great fatigue and much delay occasioned by their so frequently occurring?

A. There was.

Q. Were we able to procure any such accurate intelligence at Monte Video as could have enabled us to form any detailed plan of operations, or any other than that of establishing ourselves upon the heights close to the town, and communicate with the fleet, and act according to circumstances?

A. I have stated all the information that was received, as far as I know. I think, with regard to supplies upon the march, it might have been possible to have made some arrangements with the navy.

*The question again read to the witness.*

*Witness.*—I mean for receiving supplies at Reduction, for instance.

Q. Had we any intelligence at Monte Video upon which any reliance could be placed, that would have enabled me to form any detailed plan for the attack upon the town of Buenos Ayres?

A. Certainly not: the measures which were intended to be pursued appeared to me to be the only ones that could have been anticipated; I mean with regard to the attack upon the town.

Q. Could you at Monte Video, or after you left it, or on the march, procure any such accurate intelligence of the country, or other circumstances, as could have enabled you, as Quarter-Master-General, to have arranged the marches and the places of halting, before you landed or afterwards respectively?

A. Nothing further than making Reduction a second point of departure, from whence measures might be arranged for the passage of the Rio Chuello, and the march to the suburbs of Buenos Ayres, by actually reconnoitring the river.

*Judge Advocate.*—The witness has a doubt whether the way in which his last is expressed conveys his meaning. I should wish the answer to be read over again, that he may see whether the words of the answer do not exactly convey what he intended by it.

*The last question and answer read over to the witness.*

*Witness.*—I mean to state by actually reconnoitring the river, and not by any intelligence we had previously received from the people of the country.

Q. How many people of the country, in the whole of the march until we reached the Coral, did we take; what use were we able to make of them, and what use did we make of them as guides or in procuring intelligence?

A. I believe during the whole of the march we did not receive any intelligence of the least importance. We took two persons at the Ensenada de Barragon, who marched with the army as far as Reduction: they knew nothing of the country from thence to Buenos Ayres, except by the high road ovér the bridge.

Q. Could the army have found places of halting, where fuel could have been procured for cooking the men's victuals, and for other purposes, but at the farm houses; and were not those at considerable distances from each other; and were not the halts in some degree regulated by the situation of those farm houses?

A. I believe the fuel could only have been found at those farm houses, and that upon their situation, in a great degree, depended the movement of the army.

Q Did not General Whitelocke, at the time he altered his determination as to the march, and had he not at other times expressed his apprehension of the rains coming on at that period of the year (the winter in that country), and an anxiety to get the men as soon as possible under cover in the western suburbs of the town, and so as to communicate with the fleet?

A. He did so express himself at the time, and frequently before.

Q. Had it not rained hard, and was it not raining at the time I sent for you, or called you, at two o'clock in the morning of the 2d of July?

A. It rained very hard at the time.

Q. Had not an old inhabitant of Ensenada informed me on the 1st of July, that, from appearances, heavy rains would set in within 24 hours, and render the river impassable.

A. I remember to have heard him say so, I think the man's name was Duval; he was a Spaniard.

Q. Did I not, upon my return to Reduction with

you, on the morning of the 2d, immediately order the army under arms to march; and did I not show great anxiety to march as soon as possible, and leave the cattle which were then coming up with Sir Samuel Achmuty's brigade?

A. You did.

Q. Was there not a sheet of water, as well as marshy ground, between the two divisions of the army at the time you saw General Gower's corps on the morning of the 2d?

A. I think I remember to have seen something of the sort; some streams, or something of that sort.

Q. Did not the guide endeavour to lead you rather more to the right, in consequence of your observation of General Gower's corps moving from you, and did he not fail in the attempt on account of the marshy state of the ground, and were we not obliged by these circumstances to keep to the left?

A. I remember his having taken us too much to the right, and that we moved afterwards to the left, to cross the Arroyio de Masiel. The time at which he moved too much to the right, was immediately after we had seen Major-General Gower's corps, and I had observed it to him.

Q. Why did you not go on to the right?

A. Because it was too marshy.

Q. Did you not lead the column with the guides on that day?

A. I did.

Q. Did not our ground, on the evening of the 2d, command an extensive view; particularly towards the Chuello and Buenos Ayres?

A. It commanded a very extensive view, but I do not believe we could see the Rio Chuello from thence.

Q. Were any other farm houses in sight than those at which we halted, and in the direction in which we were marching.

A. There was a single one, about one mile further, in the direction of our march.

Q. What was the distance from the farm houses, at which the army halted on the 2d, to the ford.

A. I believe about six miles.

Q. Would not the evening have closed in by the time we could have reached the ford?

A. I think it would.

Q. How long was the army in crossing the ford on the 3d?

A. Between three and four hours after we had actually discovered it.

Q. Had we not some difficulty in finding the place of passage on the 3d, from the ignorance of the guide of the exact position?

A. There was some difficulty in finding a good place to pass, on account of the swoln state of the river; but not, I believe, through the ignorance of the guide.

Q. Was not the guide to the ford at which we passed a negro, taken prisoner that morning?

A. No; the man who conducted us to the ford was the same man who conducted us from Reduction.

*Re-examined by the Judge Advocate.*

Q. You have stated in answer to the questions put to you by General Whitelocke, that the horses were incapable of enduring much fatigue. Was that the general character of the horses in that country, or do you merely apply it to the horses employed in the expedition?

A. I believe it to be the general character of the horses of the country, and perhaps with all horses who are only fed upon grass.

Q. Are the mules of that country a more hardy race of animals?

A. I cannot exactly say: I saw very few.

Q. You have stated, more provisions for stores could not, as you believe, have been carried with the means. At what time, during the march, was there a total want of bread in the army?

A. I believe the last of the bread was delivered out on the evening of the 30th of June; but I before said, the delivery of the provisions was not in my department.

Q. Were there any impediments in the way of landing such a quantity of bread and provisions from the fleet at Point Quilmes, to supply the wants of the army in that respect?

A. I cannot exactly state the particular nature of the ground between Point Quilmes and Reduction, never having gone from one to the other.

Q. Do you not know that a communication was opened with the fleet when at Point Quilmes from Reduction?

A. I do.

Q. Do you not know that some provisions were landed from the fleet at Point Quilmes, and conveyed for the use of the army at Reduction?.

A. Not from my own knowledge; but I have heard, that while Colonel Mahon remained at Reduction, he received supplies from the fleet.

Q. Might not a plan for the columns of the army have been made with tolerable precision, after the troops had reached the heights above Barragon, namely, on the 29th of June?

A. I do not understand the question.

*The question again read to the witness.*

A. I should think the shortest and simplest way would have been to have marched from the heights of Barragon to Reduction in one column only.

Q. Were any, and what, measures taken, while the army were at Barragon and Reduction, to render

their movements independent of the farm houses, by issuing provisions, and ordering the men to cook their meat for their support in their subsequent marches?

A. I do not recollect any such orders: it is understood that the army landed with three days' provisions.

Q. Having stated in your answer to a question put by General Whitelocke, that he gave you an account of information he had received from an inhabitant of Ensenada, that there would be rain in 24 hours, was that information given before or after his telling you, as you stated in your evidence yesterday, that it was settled that General Whitelocke and some of his staff were to proceed in the morning to the advanced corps, from whence he was to proceed with an escort from General Craufurd's brigade, to reconnoitre the position which the enemy occupied in the Rio Chuello, and that the fords of the river were to be examined?

A. The information which I have stated was given to General Whitelocke on the 1st, during the march to Reduction.

Q. My question then is, whether that information was given previously or subsequently to what I have stated?

A. Before undoubtedly, upon the march to Reduction; it was after we halted at Reduction that the General communicated the information I have given.

Adjourned.

## SEVENTH DAY.

FRIDAY, FEBRUARY 5, 1808.

*Lieutenant-Colonel Bourke called in again.*

*The Judge Advocate read to the witness the last question and answer of the evidence of yesterday.*

*Judge Advocate.*—Q. After the opinion of the guides respecting the weather, did the main body of the army halt upon the 2d of July, before it had secured the passage of the Chuello; having at the time of halting marched only seven miles?

A. I have already stated every thing I know upon that subject.

Q. In answer to a question put by General Whitelocke yesterday, which question is this, "Did "not the guide endeavour to lead you rather more "to the right, in consequence of your observation of "General Gower's corps moving from you; and did "he not fail in the attempt, on account of the marshy "state of the ground; and were we not obliged by "those circumstances to keep to the left?"—your answer was, "I remember his having taken us too "much to the right, and that we moved afterwards "to the left, to cross the Arroyio de Masiel. The time "at which he moved too much to the right, was im- "mediately after we had seen Major-General Gower's "corps, and I had observed it to him."—My question upon that is, What consideration induced General Whitelocke on the morning of the 2d to deviate from the line of march pursued the previous day by the advanced corps from Reduction, and from the line on which General Gower was actually marching on the 2d towards the Chuello?

A. I have already stated every thing I know upon that subject.

Q. Having stated, in answer to a question put by General Whitelocke, that the passage of the Chuello was not performed by the division under General Whitelocke's orders in less time than three hours, had the General information, when he halted at the time you have described, which might lead him to conclude that this operation would require the time mentioned?

A. I do not know that he had.

Q. Having stated, in an answer to a question put by General Whitelocke, which is this, "Did not our "ground, on the evening of the 2d, command an ex- "tensive view; particularly towards the Chuello and "Buenos Ayres?"—your answer is, "It commanded "a very extensive view, but I do not believe we could "see the Rio Chuello from thence."—My question upon that is, whether any measures were taken on the evening of the 2d to secure the passes of the river the next day?

A. I believe not.

*Judge Advocate.*—I am to acquaint the Court, I have concluded the questions I mean to put in re-examination.

*Examined by the Court.*

Q. Was there any report made from the commanding officers in the rear division to General Whitelocke at the head of it, which made it necessary to halt on the 2d of July?

A. I never heard of any, excepting the conversation with Sir Samuel Achmuty, which I have already stated.

Q. Did General Whitelocke mention to you at any time before or after he altered his line of march from that of Major-General Gower's, upon the 2d, his reason for altering it?

A. I have already stated, previously to the main body marching from Reduction, the substance of the information that I had received from the guides; and I am to suppose that it was upon that information that General Whitelocke acted. We had some conversation at Reduction, the evening preceding, upon the subject; but I do not recollect exactly what it was.

Q. Did the army, after its debarkation and on its march, meet with difficulties which, from the in formation you received at Monte Video, might have been foreseen and obviated, so as to have enabled the army to have arrived within a short distance of the river on the second day after its departure from the heights above Ensenada?

A. I cannot exactly state what expectations may have been formed; but there did not appear to me any local difficulties on the march which would have prevented the army from reaching Reduction the second day.

*The question again read to the witness.*

A. I perceived no difficulties on the march which could have prevented the army reaching within a few miles of the river Chuello on the second day from quitting the heights above Ensenada de Barragon.

Q. You have said, that the Commander of the forces called you at two o'clock on the morning of the 2d of July; it was then raining, and he told you he had altered his mind; that he was anxious to get the army under cover, which was only to be procured in the suburbs of Buenos Ayres; and he therefore directed you to go at day-light to General Gower, and order him to advance across the river, and lodge his corps in the suburbs. Do you, as Quarter-Master-General of that army, know why the same anxiety did not induce the Commander of the forces to march himself with the main body of the army at day-light, and proceed by the same route by which

he had ordered the march of the advanced corps; or can you state why the march was delayed till ten o'clock, and why it then proceeded in a different direction?

A. In answer to the first two questions, I cannot state his reasons; with regard to the third, I have before said, I believed he acted upon the information he received from the guides.

Q. In consequence of that information, did he stop or alter the march of the advanced corps?

A. The information which he received was subsequent to the orders given to the advanced corps; and after he had marched from Reduction, I believe there was no communication whatever between the two corps.

Q. Did you or not represent to General Whitelocke that marching in the direction the guide pointed out, would preclude his giving assistance to General Gower?

A. I did not make any such representation, because I did not believe it would have been the case.

Q. You have said that no information was obtained from any of the inhabitants; that you were ignorant of the enemy's force and position, the situation of the ford, or if the bridge still existed. Was any attempt ever made to reconnoitre the river and ascertain those points, and the means which the enemy had collected to oppose the passage of the army?

A. I made no attempt whatever.

Q. Was your information such as to lead you to suppose that the passage of the river, and obtaining a lodgement in the suburbs of Buenos Ayres, were operations of so little difficulty as to be easily and safely performed by the advanced corps, without the aid and in the absence of the main body of the army?

A. I do not think that our information could possibly have authorized such a conclusion.

Q. Do you recollect at what period it was dis-

covered that the bridge over the river still existed, and that any orders were then sent to Colonel Mahon to advance by that route?

A. I do not remember to have heard that the existence of the bridge was at any time ascertained previously to the order sent to Colonel Mahon.

Q. Had the enemy made a very vigorous resistance at the Chico Pass, and had he made any attack with a large force upon the advanced corps under the command of Major-General Gower; could Lieutenant-General Whitelocke with the main body of the army have given the necessary and prompt support for the safety of that corps?

A. I do not believe he could.

Q. Was any officer of the staff sent out by General Whitelocke or Major-General Gower, and did any one of the staff of the army, besides yourself, go out upon the 4th of July to reconnoitre the approaches to the town of Buenos Ayres, which was to be attacked at six o'clock on the morning of the 5th?.

A. I never heard of any one but myself.

*General Harris.*—I did not understand that Colonel Bourke was ordered; I understood that you went, but not that you were ordered?

A. I before stated, that I was not ordered.

Q. Had the bridge not been burnt, as it was supposed to be, and General Whitelocke could have crossed the Chuello at that part, was that the place best calculated for the purposes of the army to pass the river?

A. I believe it was.

Q. *General Norton.*—Were there not six pontoons, and their carriages embarked with the army?

A. There were.

Q. Were the pontoons landed?

A. They were not.

*Judge Advocate.*—I am directed to ask why they were not landed?

A. I cannot state: I believe, because they were not intended to be made use of between Ensenada and Reduction.

Q. For what purpose were they embarked?

A. I believe for the purpose of making a bridge over the Rio Chuello.

Q. What was the distance of the bridge from the suburbs of Buenos Ayres?

A. About two miles and a half.

Q. Why were not the pontoons made use of to cross the river Chuello, for which purpose they were embarked?

A. I suppose, because General Whitelocke determined to pass the river at the ford.

Q. *Lord Cathcart.*—Whether on the 2d of July, the main body of the army saw or fell in with any parties of the enemy, and of what description?

A. I believe they neither saw, nor fell in with, any.

Q. When the army came to the ground, were they halted at the farm houses on that day: did you see the regiments come up to their ground?

A. I did.

Q. Was there a long rear?

A. There was not; the troops appeared fresh, and in good order.

Q. Do you know what precautions were taken for the security of the camp, and what piquets were put out?

A. I cannot exactly state the number of men at the advanced posts, but in going about four o'clock in the afternoon, I saw the left had not been covered in the way in which, I supposed, it ought to have been. In consequence of this observation a re-inforcement was sent to the left, and the advanced posts then appeared to me to be such as the situation required.

Q. Whether instructions were given to the pi-

quets, particularly those towards the Chuello, to attend to any firing, and was that circumstance or any other extraordinaries reported by the piquets?

A. I do not remember that any such instructions were given; nor were any extraordinaries reported that night.

Q. Do you know any thing of the circumstance relating to the capture of a black man, who was taken on the morning of the 3d?

A. He related that Major-General Gower had passed the river the evening before, and defeated the Spaniards; that, I believe, was the sum of his information: he was made prisoner upon the heights just before we ascended.

Q. Upon your return to head-quarters from the advanced corps, did you report to General Whitelocke that you had been desired, by Major-General Gower, to write down the terms which General Whitelocke had directed you to inform him he was to offer to the Spanish Commander?

A. I do not remember.

Q. What was the distance of the march of the main body on the 3d, from the place of halting to the suburbs of Buenos Ayres?

A. I think about nine miles altogether.

Q. When the firing was heard on the 2d, were any measures taken by General Whitelocke to inform himself where it was, or to ascertain the situation at that time of the advanced corps?

A. I never heard of any.

Q. If the main body had marched early on the morning of the 2d, might they not have reached the suburbs of Buenos Ayres the same day?

A. It was only 16 miles altogether; and there could have been no difficulty in marching from Reduction, by the route we pursued, so as to have arrived in the suburbs of Buenos Ayres the same day.

Q. Were the guides, belonging to the different

divisions of the army, confronted at any time; and when, to ascertain whether they agreed in their accounts of the country from the heights to Buenos Ayres, and of the different passes of the river, in order that the two divisions might not deviate from the same line of march?

A. They never were: when I took the order to General Gower's division, at the time General Gower's corps marched, it was not known that the main body of the army were to march that day.

*The witness withdrew.*

*Brigadier-General Craufurd called in and sworn.*

*The substance of the charges read over to the witness.*

*Judge Advocate.*—What station had you in the expedition under the command of General Whitelocke against Buenos Ayres?

A. I commanded the light brigade, which formed the advanced guard of the army. There is one thing with respect to the brigade of which it consisted; at some times it was stronger than it was at others, and I should wish to mention it in the course of my evidence.

*Judge Advocate.*—In order that General Craufurd may understand, with as much accuracy as possible, the particular points to which his evidence will be thought material, I will beg leave to read a paper upon which I have put down those particulars which General Craufurd will be so good as refer to whenever he pleases; I will, therefore, thank you to begin your narrative.

" Brigadier-General Craufurd to begin his narra-
" tive, from the time he came under Lieutenant-
" General Whitelocke's command, and to continue
" it up to the night of the 4th of July, to state the
" circumstances of the particular corps under his
" orders, its strength, state of equipment for ser-

" vice, to describe the occurrences, difficulties of the " route, face of the country, from the place of land- " ing to the heights occupied on the morning of the " 28th of June by the advanced corps.

" Pursue your narrative through the different " days' marches, stating what was the face and ap- " pearance of the country each day; the difficulties, " if any, which presented themselves to the advance; " whether any and what appearances of hostility ma- " nifested themselves, either from a regular force, or " from the armed peasantry; whether the habitations " were or were not deserted; what prisoners were " taken; what intelligence was each day obtained " of the enemy's preparations; plan of operations, " particularly as to the defence of the bridge and " the different passes of the Chuello.

" What reconnoitring parties were made previous " to the arrival of the advanced corps on that river. " Why the passage of the bridge was not attempted.

" The circumstances attending the passage of the " Chico ford, and the subsequent advance of the " troops to the position of the enemy. The attack " and defeat of the enemy on the evening of the 2d " July; the state of the advanced corps, previous to " and after the action, with reference to the pro- " bable necessity of support, had the conflict proved " severe or unsuccessful.

" Relate minutely all the occurrences of the 3d " and 4th of July, particularizing, whether any and " what measures were taken, during those days, for " assuring the success of the attack proposed for the " next day, either by bringing up artillery and troops, " opening communications between the different corps " of the army, and reconnoitring the approaches to " the town.

" State the intelligence obtained from the pri- " soners, as to the designs of the enemy, and his plan " for the defence of the town.

"State generally the efficiency of the troops com-
"posing the advanced corps, whether selected from
"those best calculated for that service, and whether
"they were or were not duly supplied with provisions,
"ammunition, and every other requisite for service,
"as far as circumstances would permit."

A. The first, in point of date, of the circumstances which, according to my judgement, may be material to mention to the Court, I will just state the tendency of: it is a conversation I stated the day after I arrived at Monte Video, that the General did not intend to attack Buenos Ayres in the way in which it was afterward attacked; the Court will judge whether it is material or not.

*Judge Advocate.*—Certainly.

A. The day after I arrived at Monte Video General Whitelocke proposed to me to walk round the works with him, and in returning through the town, he desired me to notice the peculiar construction of the houses, their flat roofs surrounded by parapet walls, and other circumstances, which, as he observed, rendered them peculiarly favourable for defence, and added, that he certainly would not expose his troops to so unequal a contest, as that in which they would be engaged, if led into so large a town as Buenos Ayres, all the inhabitants of which were prepared for its defence, and the houses of which were similarly constructed to those which he then pointed out to me. In the obvious propriety of the General's intentions I most heartily acquiesced. The brigade which General Whitelocke placed under my command consisted, according to the original disposition, of eight companies of light infantry, a detachment of about 70 recruits of the 71st regiment, and eight companies of the rifle corps (the 95th); but, from the day of our landing until the junction of the two divisions of the army before Buenos Ayres, four companies of the 95th were taken away from

my brigade, and attached to that division of the army which was led by the Commander in Chief in person. With respect to the equipment of the brigade, it certainly was deficient in some very material articles. In the first place, we had no Lassomen. I do not know whether the Court are aware of what I mean by that term; but, there are a great number of wild bullocks in that country, which are caught with the most perfect ease, they are very expert at catching them by making use of a sort of noose; and it was a considerable oversight (consistently with my oath, I must say it was an oversight), not to attach a person of this description to each division of the army: at the end of each march we might have caught bullocks enough to have supplied the army. I tried to shoot them, but could not; the consequence was we had no means of catching the cattle, by which we were surrounded in great abundance. What I am going to say, I conceive to be my duty. It is an extremely unpleasant thing for an officer to come forward to attach blame to the arrangements made by his superior officer; but my oath compels me to state it. Another material deficiency in the equipment of the troops, and for which there did not appear to me to be any sufficient reason, was, that the camp-kettles were left behind; in consequence of which,—I must state it as my opinion, from the paper that is put in my hand, that the whole of them might have been conveyed,—in consequence of which, although we found abundance of wheat in the farm houses, which, if boiled, would have been an excellent substitute for the bread that was not regularly supplied to the army, we had no means of making use of it. Another circumstance is very important, but rather, I think, for the want of proper subsequent arrangements than deficiency in original equipment; it was, that although the troops

landed with bread only for three days, viz. the 28th, 29th, and 30th, there was no further issue of bread until the day of the third, when we fortunately found a considerable quantity in one of the houses behind the position which we took up on the evening of the 2d. The want which the troops suffered might, in my opinion, have been avoided by halting at Reduction, from whence we might easily communicate with the fleet at the point of Quilmes. It also appeared to me, that, considering that a considerable part of the army, I mean the detachment which had been under my command, had been so many months embarked, it was very essential, that, at least in the first period of their operations on shore, they should have been allowed a ration of spirits: it appeared to me to be essentially necessary to the due performance of the march, that they should be allowed the ration of spirits to which they had been accustomed.

*Judge Advocate.*—I am directed by the Court to desire that you will now mention the names of the different corps under your command.

A. I mean the corps which formed the detachment which sailed from England under my command, namely, two squadrons of the 6th dragoon guards, 5th, 35th, 45th, and 88th regiments, and five companies of the 95th: there were two companies of artillery, but, I believe, they were left at Monte Video. That is all I have to say with respect to the equipment; I now proceed to describe the occurrences on the march.

*General Sir John Moore.*—I do not believe it is intended to confine General Craufurd, or any of the witnesses, to that paper: he may deviate from it, or add to it.

*Judge Advocate.*—The object of putting that paper into General Craufurd's hand was not to confine him to any order or arrangement, but only that

he might understand, with more accuracy, what were the points on which the Court would hope for all the information in General Craufurd's power to give.

*General Craufurd.*—With respect to the landing, there was no enemy; there was, therefore, no material occurrence: we landed without the appearance of an enemy on the morning of the 28th. I suppose it is not necessary I should enter minutely into the details of the march; but the time from our landing to our reaching Reduction, was destitute of any interesting event: the distance I cannot possibly state; at least my statement would be so vague as not to be depended on. As to enemy, I saw none; there were none but some very contemptible parties of men. We landed in a situation which appeared to me, in many respects, very well chosen for the purpose, after crossing a broad swamp which extends for a considerable distance along the banks of the river—I beg pardon for interrupting my narrative so often—but I have said that it appeared to me a situation very well chosen: there are some circumstances attending it, which I shall describe, which will make it appear to the Court, perhaps, a very disadvantageous place to land in, and I have heard it said, that that was one of the instances of mismanagement in the conduct of the army; but I declare upon my honour, that, from all which has come to my knowledge, it was the best place for the landing of the army.

*Judge Advocate.*—It may save time in putting questions, if the evidence of General Craufurd is put in the way he states it, that he conceives the point of Ensenada, upon the whole, the best place for landing: it certainly is an answer to a question I should have put.

*General Craufurd.*—Then I will add, and which, upon the whole, was, I believe, the best which could have been chosen for the purpose. After crossing the swamp, which extends a considerable distance along

the banks of the river, my brigade took a position upon the heights; some other regiments formed upon our left, but I am not very sure which they were; I believe the 5th and 38th foot. On the 29th we marched off by our route upon the road or track leading towards Buenos Ayres by the way of Reduction.

*Judge Advocate.*—I believe it will save time if I take this opportunity of observing to General Craufurd, that he will mention, as he proceeds, the different periods at which he received any orders from General Whitelocke, and the contents of those orders.

A. I never received any orders from General Whitelocke; I received my orders from General Gower. At about a mile and a half distance in front of Reduction we took our position on the evening of the 1st of July.

*Judge Advocate.*—I must beg of you to state, as you proceed from the landing at Enseneda, the periods at which you received any orders from General Gower, and what those orders were.

A. I can only say, as I did before, that I do not recollect any occurrence, and, of course, no orders, worth the taking up the time of the Court, from our landing at Ensenada de Barragon, till our arrival at the village of Reduction. From the 29th of June until the junction of the two divisions of the army before Buenos Ayres on the 3d of July, my brigade, with the exception of the four companies which I have before mentioned to have been detached from it, and General Lumley's brigade, consisting of the 36th and 88th regiments, formed a corps under the immediate command of Major-General Gower. General Lumley's brigade, from the heights of Barragon to the position of Reduction, was always at a distance, I believe, of about four or five miles in the rear of mine: I cannot take upon myself to speak with accuracy as to distances. I understood from General Gower, that this arrangement was

adopted for the purpose of facilitating the procuring of fuel and fire-wood for the troops at night, which in that country is extremely scarce, and only to be found in the neighbourhood of a few farm houses called Alstantia.

Q. Were the brigades encamped at a greater distance than usual from each other?

A. Yes, certainly, and, I think, would have been very improper, if we had had a superior force to contend with. I was always perfectly unconnected with any other brigade: the whole of the march of my brigade was observed by small parties of irregular horse, who occasionally exchanged a few shots with the rifle-corps; they were armed with long muskets: but until our arrival at Reduction, nothing occurred either of opposition from the enemy, or difficulties of any other sort in the march, which appear to me to be at all material to relate. The country is perfectly open; and although the route was very frequently intersected by small streams running through boggy bottoms, yet, until we had passed Reduction, they were none of them such as to form any considerable impediment. The only embarrassment which I in conducting the advanced guard experienced, proceeded from the want of a good guide; the inhabitants, all but one, a Mr. Duval, having left their dwellings. As we approached Reduction, we saw much more considerable bodies of horsemen than we had before observed; but still they appeared to have no other design than that of reconnoitring our march. On the evening of the 1st of July, my brigade took a position on the extremity of the high ground at about a mile and a half nearer to Buenos Ayres than the village of Reduction, just at the commencement of the low marshy flat, through which ran the river Masiel and Chuello, from whence we plainly observed the appearance of an army behind the Chuello. I do not mean to say that we saw the men; but we

saw a fire, and all the appearances of an army behind the Chuello. We also observed a fire, which Lieutenant-Colonel Pack, who at this time commanded the light battalion, and had formerly commanded the 71st in Buenos Ayres, informed me, was, as he believed, in the direction of the bridge. General Lumley's brigade took a position about three quarters of a mile in the rear of mine. I was informed the rest of the army under General Whitelocke formed in front of Reduction, but I did not see them. Early on the morning of the 2d, I received an order from General Gower, who had passed the night with General Lumley's brigade, to be in readiness to march at nine o'clock. Before nine, General Gower came to me, and I had a good deal of conversation with him, with respect to the object and direction of the march. I understood from him, that in consequence of the information received that the enemy had constructed considerable batteries for the defence of their position on the Lower Chuello, in the neighbourhood of the bridge, it was determined to turn that position by passing the river higher up; but I think it material to state, that the Major-General, at this time, certainly had not settled with the Commander in Chief, or determined in his own mind where we were to attempt the passage, whether at the ford called the Passa Chico, which we did, in fact, cross, or at one which was said to exist about a league higher up the river. We saw the enemy's army on the opposite side of the river; and after we had marched, I believe, about between two and three hours (but I cannot speak positively as to the time), General Gower and I distinctly saw General Whitelocke's division in march; and, from every consideration both of general reasoning and some particular circumstances, I was certainly, during the whole of that day, impressed with the belief that they were following us. Some time after this I believe it was, that General Gower

of the two armies, could not be effected with-
action. It was some time after this before I
tood from General Gower that he had deter-
to pass at the Passa Chico. The direction in
we had till then been marching, would, as we
ed, have served equally well for either pass.
we had passed the river Masiel, we saw, at the
e of about a cannon-shot, in our front, a body
hould think, about 500 horse. They attempted
g; and, from the direction in which they after-
went off, I should suppose that they crossed
er. At length we arrived at a track, which
ff obliquely to our right, and which the guides
was the road to the Passa Chico. General
then determined to take that direction, and
d me to proceed with my brigade as fast as I
to the Passa Chico, and either to force it, or
sh myself as near to it as I could. We had
erable difficulty in finding the pass, but when
rived there, there was no appearance of an
in its neighbourhood. By the time my bri-
ad passed, General Gower arrived at the head
eneral Lumley's brigade. About this time,
Travers, who commanded the four companies
95th, pointed out to me a column, which ap-

heights, which are about three quarters of a mile distant from the ford: the answer which I received was, that I might go on and act according to circumstances, and that he would support me with General Lumley's brigade. We gained the heights without any opposition, and, from the general appearance of things, it was then evident to me, that the enemy was in a state of confusion, which it was very material to take advantage of. After gaining the heights, I took the road to my right on the high ground, which the guide pointed out as leading to the town and to the position which the enemy were then obliged to take up to cover it. As we proceeded, there were increased appearances of the enemy having been disconcerted by our movement during the march. I twice received orders by an officer from General Gower to halt. I cannot say positively, whether the intention of that order was merely to give time for General Lumley's brigade to come up, or to take a position for the evening; but as the day was so far advanced, and the state of the operation appeared so critical, I took upon myself to send a report to the Major-General of what I observed, and to state, as my opinion, that it would be very desirable to proceed, which, in the mean time, we did. A very short time after we arrived at Mr. White's house, the Major-General came to the head of my brigade. Before we arrived at Mr. White's, the road had turned to the left, so that, at the time of our arrival at Mr. White's house, we were marching nearly parallel to the position in which we afterwards discovered the enemy, who were then on our right flank. The ground was so extremely intricate, and covered with peach orchards and high fences, that, although the enemy were at this time very near us, we certainly had not discovered them. The first indication which we had of their presence in force, was a shot fired from a gun at a distance, just as General Gower and

myself, with some of the staff officers, appeared upon the great road, that upon which the column was then standing, and which road leads into the town by the slaughtering place, called the Coral, which is the open space upon which the enemy's guns were then placed. As soon as this gun was fired, General Gower said something to me, I believe the exact words were, "We must turn the right and "left flanks." I understood this as an order to attack the enemy, which I immediately obeyed. The enemy's fire, for a very short time, appeared to me to be that of rather a considerable body of infantry; but the light infantry and the 95th advanced so rapidly, that they very soon gave way, in short, almost as soon as we came close to them, leaving behind them, I believe, the whole that they had, I believe twelve pieces of artillery. I pursued them, I think, about three quarters of a mile beyond the position on which they had been formed, and from which we had driven them; in short, nearly to the commencement of the town; and whilst I was forming the brigade, which, from the nature of the grounds, and the suddenness of the action, had got, no doubt into some disorder, it grew dusk. Whilst thus employed, I received by an officer, I think Captain Squires of the engineers, an order from General Gower, to fall back to the slaughtering place, the Coral, where he then was. It certainly, at that moment, appeared to me, that it would have been advisable to follow the enemy into the town; and I desired the officer who brought me the order to fall back, to request that the General would allow me to do so: and I trust the Court will allow me to say, that, from all I have heard since, I am convinced, that if the other division of the army, the main division, with Lieutenant-General Whitelocke, had been as near as I thought they might have been, we certainly should have taken the town with ease. I have great doubts whether we might not

have taken it with General Gower's division; but with General Whitelocke's, I am sure we should. I do not mean to swear we could have taken it with General Gower's division, but I think we could. In answer to this message, I received a second and peremptory order to fall back to the Coral; the Major-General stating, at the same time, that our wounded, which did not exceed eight officers and four or five and thirty men, were exposed to be cut off by straggling parties of the enemy, who were still hovering about the ground. Just about the time, I think it was, that I was going to retire, it was then dark, I discovered that General Lumley's brigade had arrived immediately on my right; we left the grenadier company of the 36th, and three companies of my brigade upon the ground, from which we then retired, and upon which the line of our advanced posts was afterwards formed. During the greater part of the 3d of July, there was some firing between our piquets and the enemy, and I think it was about three o'clock. I cannot speak positively to the hour, but, to the best of my recollection, it was in the afternoon that General Whitelocke came up with that part of the army which he conducted in person. I understand there is considerable doubt, whether the two divisions of the army passed at the same pass. If the Court thinks it material to ascertain that, it may be necessary for the witnesses to state the distances of each pass from the town. From the time we left Mr. White's house, as well as I recollect, it was not more than an hour; but other persons are of a different opinion. The depth of the pass was about breast high. The men passed it with great ease. The bottom of it was sand at the place where we passed, but in other parts near it, which we tried, it was not. Early on the morning of the 3d, General Gower sent Brigade-Major Roache with a flag of truce into the town, with a verbal summons, as the

Major-General informed me. And after Major Roache's return, in consequence, as I understood, of a desire expressed by General Liniers, that whatever the Major-General had to propose might be stated in writing, Brigade-Major Roache was sent back with a letter, containing a proposal of certain terms; which letter Major-General Gower showed me, to the best of my recollection, before he sent it. He did not ask my opinion as to the contents; nor did I know at the time (I do not know now indeed) that it was written in consequence of any particular instructions he had received from General Whitelocke as to the terms; but I understood he had received instructions to summon the town. The only observation which I took the liberty of making upon the letter was, that as General Liniers was accused by us of having broken a convention which he had made with General Beresford, it did appear to me, to be material in making any such proposal as that contained in the letter to him, to say something which might remove any apprehensions which he might entertain with respect to the manner in which, if he fell into our hands, he might be treated by us. When Brigade-Major Roache returned from delivering this letter, General Gower, as well as himself, informed me, that General Liniers's answer was expressive of a determination to defend the town. All this passed before General Whitelocke arrived. He did not arrive till about three o'clock, and this passed about noon. About nine o'clock in the morning of the 4th, I am not positive as to the hour, in obedience to orders I had received, I went to General Whitelocke's quarters for the purpose of receiving instructions with respect to the attack of the town, which he had then determined to make at twelve o'clock that day. After I had read the disposition, General Whitelocke took me aside in the court-yard, and said, that he felt so much reluctance at adopting a measure which must

necessarily be attended with so great an effusion of blood, that he had determined to send another summons to General Liniers. He showed me the letter, and, certainly, upon that occasion, he did ask my opinion, as to the propriety of sending it. I told him, that, in my opinion, he had better not send it; that the determination expressed in their answer to the first summons, and the whole of their conduct since, induced me to believe that the letter would produce no good effect; and that they would rather consider it as proof of want of confidence on our part. This was the exact substance of the conversation, which terminated by the Commander in Chief expressing his resolution to send Captain Whittingham with this letter. The disposition was afterwards read, and explained upon the plan, to the Commanding Officers of brigades. To the best of my recollection, there was nobody in the room but them, Major-General Gower, and Lieutenant-Colonel Pack, who was well acquainted with the town; I suppose that was the reason why he was with them. At a conversation, which will be material, that afterwards took place (I am sure there was nobody else at the first conversation), we were in General Whitelocke's room. There were two rooms; the door between them was open, and there were a great number of officers in the other room. The order, as I before stated, was for the attack to be made at twelve o'clock that day; and the time at which the conversation which I am about to relate took place, was, I believe, half an hour after ten. There was very little time between the conversation taking place and the attack. I beg to be understood, that I do not mean to speak positively, as to who was in the room; I think it was Sir Samuel Achmuty. For my own part, I did not give any opinion upon the subject. I did not, from any thing that passed, consider that I, or the other Brigadiers, were called there to give

our opinions upon the propriety of the disposition, but for the purpose of being made acquainted with the details of it. Sir Samuel Achmuty, I think, or Colonel Pack, but I think Sir Samuel Achmuty, suggested, that a little before day-break, in the morning, would be a better time than noon for advancing into the town; and, after some consultation, the Commander in Chief determined to defer the attack until the morning of the 5th. Whilst we were in this room, a Mr. White, who had resided a considerable time at Buenos Ayres, in Lieutenant-General Whitelock's inner room, gave us information, which afterwards proved extremely correct, respecting the dispositions and defensive arrangements which the enemy had made in the town, since the evening of the 2d.

A part of the order of attack was, that the columns were to be provided with implements for breaking open houses; but I really do not believe it was possible for those in whose department it was, to obey this order effectually. At that time, at least, I do not think that a sufficiency of these sort of things could be procured. The firing at the piquets continuing the greater part of the day, during one part of the day a disposition was made. The line were ordered under arms, and a sort of disposition was made, under the idea that by allowing the piquets to retire before the enemy, the latter might be tempted to follow them far enough to give us an opportunity of engaging them out of the town; but this did not happen. I received a verbal order, while the line was under arms. General Gower rode up to me, and said——

*Judge Advocate.*—If there was any thing in the shape of an order, coming through General Gower from the Commander in Chief, it is evidence; but if it was merely a conversation between General Gower and the witness, not proceeding from General Whitelocke, I do not conceive it to be evidence.

*General Craufurd.*—The rule I have prescribed to myself, is to mention every thing at all interesting, that occurs to me: the Court will, of course, stop me if I state that which is irrelevant. I did not understand it to be an official order from the Commander in Chief, so much as proceeding from General Gower.

*Judge Advocate.*—If it was a conversation upon the subject of the attack, though not between you and General Whitelocke, if it was in the hearing of General Whitelocke, it is evidence.

*General Craufurd.*—It was not in the presence of General Whitelocke. I considered it more as General Gower's own act, than from the Commander in Chief; that was the impression upon my mind.

*General Craufurd resumes his narrative.*

Nothing occurred during that day but the firing at the piquets. I placed some piquets in the afternoon at the points from which the two columns of my brigade were to depart the next morning for the attack; and, I believe, it was done generally. Further than that I know of nothing particular that occurred previous to the attack.

*Judge Advocate.*—Before the narrative is read over to General Craufurd, there is one paragraph in the paper which he holds in his hand relative to the information received, either of the plans or means of defence, or disposition of the enemy, which he has not spoken to.

A. The first part of the information, that I know of that we received, proved to be false; which was, that they had an intrenched position to the eastward; that is to say, before we arrived at Reduction.

Q. State the information you received, at what period of the march, and from whom you received it.

A. When I say the information we received, I recollect it was not any information I received, but it

was contained in a paper written by an Italian. I believe, a medical man, who had lived in Buenos Ayres; in which it was stated, that they had prepared batteries before we arrived at Reduction. That information, however, proved to be false. Then we had information, I cannot say how it came to us, which turned out to be true, that they had intrenched the river Chuello, and constructed batteries; and that they had some heavy artillery.

Q. Upon what day of the march was that?

A. I do not know, whether it might not be before we disembarked. I know a conversation upon that subject took place between General Whitelocke and me upon the march, the day before we got to Reduction.

Q. State that conversation.

A. The only conversation I had with General Whitelocke, was at the only time I saw him on the march. I think it must have been on the 30th of June. It was just at the time that a part of the troops were ordered to throw down their blankets. I am not quite sure whether it was the 30th of June or the 1st of July.

Q. Was it the day before you arrived at Reduction?

A. I cannot say positively what day it was: it was at the time that some of the troops were halted, and threw down their blankets.

Adjourned.

saw a fire, and all the appearances of an army behind the Chuello. We also observed a fire, which Lieutenant-Colonel Pack, who at this time commanded the light battalion, and had formerly commanded the 71st in Buenos Ayres, informed me, was, as he believed, in the direction of the bridge. General Lumley's brigade took a position about three quarters of a mile in the rear of mine. I was informed the rest of the army under General Whitelocke formed in front of Reduction, but I did not see them. Early on the morning of the 2d, I received an order from General Gower, who had passed the night with General Lumley's brigade, to be in readiness to march at nine o'clock. Before nine, General Gower came to me, and I had a good deal of conversation with him, with respect to the object and direction of the march. I understood from him, that in consequence of the information received that the enemy had constructed considerable batteries for the defence of their position on the Lower Chuello, in the neighbourhood of the bridge, it was determined to turn that position by passing the river higher up; but I think it material to state, that the Major-General, at this time, certainly had not settled with the Commander in Chief, or determined in his own mind where we were to attempt the passage, whether at the ford called the Passa Chico, which we did, in fact, cross, or at one which was said to exist about a league higher up the river. We saw the enemy's army on the opposite side of the river; and after we had marched, I believe, about between two and three hours (but I cannot speak positively as to the time), General Gower and I distinctly saw General Whitelocke's division in march; and, from every consideration both of general reasoning and some particular circumstances, I was certainly, during the whole of that day, impressed with the belief that they were following us. Some time after this I believe it was, that General Gower

showed me a letter; I am not sure whether it was before or after, that General Gower showed me a letter written to him by the Commander in Chief, by which letter, to the best of my recollection, General Gower was fully authorized to cross the river and establish himself in, or in the vicinity of, the suburbs of the town, which it was clear to me, from the position of the two armies, could not be effected without an action. It was some time after this before I understood from General Gower that he had determined to pass at the Passa Chico. The direction in which we had till then been marching, would, as we supposed, have served equally well for either pass. After we had passed the river Masiel, we saw, at the distance of about a cannon-shot, in our front, a body of, I should think, about 500 horse. They attempted nothing; and, from the direction in which they afterwards went off, I should suppose that they crossed the river. At length we arrived at a track, which went off obliquely to our right, and which the guides said, was the road to the Passa Chico. General Gower then determined to take that direction, and ordered me to proceed with my brigade as fast as I could to the Passa Chico, and either to force it, or establish myself as near to it as I could. We had considerable difficulty in finding the pass, but when we arrived there, there was no appearance of an enemy in its neighbourhood. By the time my brigade had passed, General Gower arrived at the head of General Lumley's brigade. About this time, Major Travers, who commanded the four companies of the 95th, pointed out to me a column, which appeared to me to be a considerable part of the enemy's army, marching, as if with an intention of taking a position on the heights opposite to the ford, but to effect which, they were then evidently too late. I sent an officer to report this to General Gower, and to request his permission to move on and occupy the

heights, which are about three quarters of a mile distant from the ford: the answer which I received was, that I might go on and act according to circumstances, and that he would support me with General Lumley's brigade. We gained the heights without any opposition, and, from the general appearance of things, it was then evident to me, that the enemy was in a state of confusion, which it was very material to take advantage of. After gaining the heights, I took the road to my right on the high ground, which the guide pointed out as leading to the town and to the position which the enemy were then obliged to take up to cover it. As we proceeded, there were increased appearances of the enemy having been disconcerted by our movement during the march. I twice received orders by an officer from General Gower to halt. I cannot say positively, whether the intention of that order was merely to give time for General Lumley's brigade to come up, or to take a position for the evening; but as the day was so far advanced, and the state of the operation appeared so critical, I took upon myself to send a report to the Major-General of what I observed, and to state, as my opinion, that it would be very desirable to proceed, which, in the mean time, we did. A very short time after we arrived at Mr. White's house, the Major-General came to the head of my brigade. Before we arrived at Mr. White's, the road had turned to the left, so that, at the time of our arrival at Mr. White's house, we were marching nearly parallel to the position in which we afterwards discovered the enemy, who were then on our right flank. The ground was so extremely intricate, and covered with peach orchards and high fences, that, although the enemy were at this time very near us, we certainly had not discovered them. The first indication which we had of their presence in force, was a shot fired from a gun at a distance, just as General Gower and

myself, with some of the staff officers, appeared upon the great road, that upon which the column was then standing, and which road leads into the town by the slaughtering place, called the Coral, which is the open space upon which the enemy's guns were then placed. As soon as this gun was fired, General Gower said something to me, I believe the exact words were, "We must turn the right and "left flanks." I understood this as an order to attack the enemy, which I immediately obeyed. The enemy's fire, for a very short time, appeared to me to be that of rather a considerable body of infantry; but the light infantry and the 95th advanced so rapidly, that they very soon gave way, in short, almost as soon as we came close to them, leaving behind them, I believe, the whole that they had, I believe twelve pieces of artillery. I pursued them, I think, about three quarters of a mile beyond the position on which they had been formed, and from which we had driven them; in short, nearly to the commencement of the town; and whilst I was forming the brigade, which, from the nature of the grounds, and the suddenness of the action, had got, no doubt into some disorder, it grew dusk. Whilst thus employed, I received by an officer, I think Captain Squires of the engineers, an order from General Gower, to fall back to the slaughtering place, the Coral, where he then was. It certainly, at that moment, appeared to me, that it would have been advisable to follow the enemy into the town; and I desired the officer who brought me the order to fall back, to request that the General would allow me to do so: and I trust the Court will allow me to say, that, from all I have heard since, I am convinced, that if the other division of the army, the main division, with Lieutenant-General Whitelocke, had been as near as I thought they might have been, we certainly should have taken the town with ease. I have great doubts whether we might not

have taken it with General Gower's division; but with General Whitelocke's, I am sure we should. I do not mean to swear we could have taken it with General Gower's division, but I think we could. In answer to this message, I received a second and peremptory order to fall back to the Coral; the Major-General stating, at the same time, that our wounded, which did not exceed eight officers and four or five and thirty men, were exposed to be cut off by straggling parties of the enemy, who were still hovering about the ground. Just about the time, I think it was, that I was going to retire, it was then dark, I discovered that General Lumley's brigade had arrived immediately on my right; we left the grenadier company of the 36th, and three companies of my brigade upon the ground, from which we then retired, and upon which the line of our advanced posts was afterwards formed. During the greater part of the 3d of July, there was some firing between our piquets and the enemy, and I think it was about three o'clock. I cannot speak positively to the hour, but, to the best of my recollection, it was in the afternoon that General Whitelocke came up with that part of the army which he conducted in person. I understand there is considerable doubt, whether the two divisions of the army passed at the same pass. If the Court thinks it material to ascertain that, it may be necessary for the witnesses to state the distances of each pass from the town. From the time we left Mr. White's house, as well as I recollect, it was not more than an hour; but other persons are of a different opinion. The depth of the pass was about breast high. The men passed it with great ease. The bottom of it was sand at the place where we passed, but in other parts near it, which we tried, it was not. Early on the morning of the 3d, General Gower sent Brigade-Major Roache with a flag of truce into the town, with a verbal summons, as the

Major-General informed me. And after Major Roache's return, in consequence, as I understood, of a desire expressed by General Liniers, that whatever the Major-General had to propose might be stated in writing, Brigade-Major Roache was sent back with a letter, containing a proposal of certain terms; which letter Major-General Gower showed me, to the best of my recollection, before he sent it. He did not ask my opinion as to the contents; nor did I know at the time (I do not know now indeed) that it was written in consequence of any particular instructions he had received from General Whitelocke as to the terms; but I understood he had received instructions to summon the town. The only observation which I took the liberty of making upon the letter was, that as General Liniers was accused by us of having broken a convention which he had made with General Beresford, it did appear to me, to be material in making any such proposal as that contained in the letter to him, to say something which might remove any apprehensions which he might entertain with respect to the manner in which, if he fell into our hands, he might be treated by us. When Brigade-Major Roache returned from delivering this letter, General Gower, as well as himself, informed me, that General Liniers's answer was expressive of a determination to defend the town. All this passed before General Whitelocke arrived. He did not arrive till about three o'clock, and this passed about noon. About nine o'clock in the morning of the 4th, I am not positive as to the hour, in obedience to orders I had received, I went to General Whitelocke's quarters for the purpose of receiving instructions with respect to the attack of the town, which he had then determined to make at twelve o'clock that day. After I had read the disposition, General Whitelocke took me aside in the court-yard, and said, that he felt so much reluctance at adopting a measure which must

necessarily be attended with so great an effusion of blood, that he had determined to send another summons to General Liniers. He showed me the letter, and, certainly, upon that occasion, he did ask my opinion, as to the propriety of sending it. I told him, that, in my opinion, he had better not send it; that the determination expressed in their answer to the first summons, and the whole of their conduct since, induced me to believe that the letter would produce no good effect; and that they would rather consider it as proof of want of confidence on our part. This was the exact substance of the conversation, which terminated by the Commander in Chief expressing his resolution to send Captain Whittingham with this letter. The disposition was afterwards read, and explained upon the plan, to the Commanding Officers of brigades. To the best of my recollection, there was nobody in the room but them, Major-General Gower, and Lieutenant-Colonel Pack, who was well acquainted with the town; I suppose that was the reason why he was with them. At a conversation, which will be material, that afterwards took place (I am sure there was nobody else at the first conversation), we were in General Whitelocke's room. There were two rooms; the door between them was open, and there were a great number of officers in the other room. The order, as I before stated, was for the attack to be made at twelve o'clock that day; and the time at which the conversation which I am about to relate took place, was, I believe, half an hour after ten. There was very little time between the conversation taking place and the attack. I beg to be understood, that I do not mean to speak positively, as to who was in the room; I think it was Sir Samuel Achmuty. For my own part, I did not give any opinion upon the subject. I did not, from any thing that passed, consider that I, or the other Brigadiers, were called there to give

our opinions upon the propriety of the disposition, but for the purpose of being made acquainted with the details of it. Sir Samuel Achmuty, I think, or Colonel Pack, but I think Sir Samuel Achmuty, suggested, that a little before day-break, in the morning, would be a better time than noon for advancing into the town; and, after some consultation, the Commander in Chief determined to defer the attack until the morning of the 5th. Whilst we were in this room, a Mr. White, who had resided a considerable time at Buenos Ayres, in Lieutenant-General Whitelock's inner room, gave us information, which afterwards proved extremely correct, respecting the dispositions and defensive arrangements which the enemy had made in the town, since the evening of the 2d.

A part of the order of attack was, that the columns were to be provided with implements for breaking open houses; but I really do not believe it was possible for those in whose department it was, to obey this order effectually. At that time, at least, I do not think that a sufficiency of these sort of things could be procured. The firing at the piquets continuing the greater part of the day, during one part of the day a disposition was made. The line were ordered under arms, and a sort of disposition was made, under the idea that by allowing the piquets to retire before the enemy, the latter might be tempted to follow them far enough to give us an opportunity of engaging them out of the town; but this did not happen. I received a verbal order, while the line was under arms. General Gower rode up to me, and said——

*Judge Advocate.*—If there was any thing in the shape of an order, coming through General Gower from the Commander in Chief, it is evidence; but if it was merely a conversation between General Gower and the witness, not proceeding from General Whitelocke, I do not conceive it to be evidence.

*General Craufurd.*—The rule I have prescribed to myself, is to mention every thing at all interesting, that occurs to me: the Court will, of course, stop me if I state that which is irrelevant. I did not understand it to be an official order from the Commander in Chief, so much as proceeding from General Gower.

*Judge Advocate.*—If it was a conversation upon the subject of the attack, though not between you and General Whitelocke, if it was in the hearing of General Whitelocke, it is evidence.

*General Craufurd.*—It was not in the presence of General Whitelocke. I considered it more as General Gower's own act, than from the Commander in Chief; that was the impression upon my mind.

*General Craufurd resumes his narrative.*

Nothing occurred during that day but the firing at the piquets. I placed some piquets in the afternoon at the points from which the two columns of my brigade were to depart the next morning for the attack; and, I believe, it was done generally. Further than that I know of nothing particular that occurred previous to the attack.

*Judge Advocate.*—Before the narrative is read over to General Craufurd, there is one paragraph in the paper which he holds in his hand relative to the information received, either of the plans or means of defence, or disposition of the enemy, which he has not spoken to.

A. The first part of the information, that I know of that we received, proved to be false; which was, that they had an intrenched position to the eastward; that is to say, before we arrived at Reduction.

Q. State the information you received, at what period of the march, and from whom you received it.

A. When I say the information we received, I recollect it was not any information I received, but it

was contained in a paper written by an Italian. I believe, a medical man, who had lived in Buenos Ayres; in which it was stated, that they had prepared batteries before we arrived at Reduction. That information, however, proved to be false. Then we had information, I cannot say how it came to us, which turned out to be true, that they had intrenched the river Chuello, and constructed batteries; and that they had some heavy artillery.

Q. Upon what day of the march was that?

A. I do not know, whether it might not be before we disembarked. I know a conversation upon that subject took place between General Whitelocke and me upon the march, the day before we got to Reduction.

Q. State that conversation.

A. The only conversation I had with General Whitelocke, was at the only time I saw him on the march. I think it must have been on the 30th of June. It was just at the time that a part of the troops were ordered to throw down their blankets. I am not quite sure whether it was the 30th of June or the 1st of July.

Q. Was it the day before you arrived at Reduction?

A. I cannot say positively what day it was: it was at the time that some of the troops were halted, and threw down their blankets.

Adjourned.

## EIGHTH DAY.

SATURDAY, FEBRUARY 6, 1808.

*Brigadier-General Craufurd called in, again.*

*Brigadier-General Craufurd.*—I beg leave to mention to the Court, with respect to this paper stating the subjects which I am requested generally to answer, that upon looking it over, I find there are some points that I have not sufficiently answered, and, therefore, perhaps, it will save the time of the Court, if I state those points which I omitted yesterday. In the first place, with respect to the strength of my brigade, it occurs to me, that when I mentioned the number of the companies, I ought to have stated the number of rank and file, which I did not. The strength of rank and file disembarked was 1250, or thereabouts; but I do not undertake to speak precisely. Four companies taken from the brigade the day of landing, would, upon the same average as the rest, amount to 300. They were rather stronger than the rest, but that is taking them at the average, leaving 950 rank and file, of which 252 were, by order of General Gower, left at Reduction. When General Whitelocke came up on the 3d, the four companies of the 95th rejoined my brigade, and the number of rank and file, that marched into the town as reported to me by the Brigade-Major, was 1150.

When I stated yesterday, that the place of disembarkation, in my opinion, was well chosen, that opinion was grounded upon the supposition of its being impossible, as I have heard it reported, to carry the transports near to Le Scontias, or to bring them near the town within several miles of the shore. I am pursuing the order in which it is stated in this paper.

I yesterday stated, that all the houses, except one, which I observed, were deserted by the inhabitants. I mean to say, after leaving the village of Barragon, in which, when we landed there, were several inhabitants, who were not at all shy of us.

I wish to have the last question of yesterday repeated that I may correct the answer I then gave, with respect to the intelligence we received.

*The question read.*

Q. What information did you receive during your march?

A. I received information, as well as I can recollect, from a Mr. Duval, whom I found in his house near Barragon, and took with me as a guide, that when he left the town of Buenos Ayres, a few days before, the enemy had a corps, and some batteries on the heights of Reduction. I before stated, that this intelligence, however, proved to be false, excepting, indeed, that a battery had been constructed there for the purpose of commanding the road by which General Beresford had crossed the morass the year before. This battery was dismantled before we approached it. I had also heard, and, from a conversation which I had with Lieutenant-General Whitelocke, it appeared, that he believed the enemy had constructed several batteries for the defence of the river Chuello, in the neighbourhood of the bridge. Whether the Chico Pass was defended in a similar manner, we were not able to ascertain until we approached it. I remember, perfectly, when I struck into that road, which I described yesterday, leading to the Chico Pass, neither Major-General Gower nor myself, from all the inquiry we had made, could ascertain whether the Pass was defended or not. We rather thought it was. With respect to what reconnoitring parties were made, previous to the

arrival of the advanced corps at the river Chuello, I know of none, excepting by the ordinary advanced guard and flanking parties of my own brigade, as I marched down to it on the day of the 2d.

In answer to the question, why the passage of the bridge was not attempted, I can only state my opinion. I cannot answer for the Commander in Chief's reason, but my opinion, and that of the other officers with whom I conversed upon the subject, certainly was, that to pass the river at a point in which all intelligence agreed in stating, that the enemy had prepared a position, would not have been judicious, when, by an easy march, it appeared possible to remove him from that position, or to turn that position by passing the river higher up. I heard no other opinion from any body.

In answer to the question, what was the state of the advanced corps previous to and after the action, with reference to the probable consequence of support if the conflict had proved severe, or unsuccessful, I do not exactly understand that question.

*Judge Advocate.*—The object of inserting that paragraph in the paper delivered to you, was to ascertain what means of retreat, or what prospect of support, the advanced corps would have had, in case the circumstances of the action of the 2d, had made it necessary?

A. In answer to that, I can only speak from hearsay. I do not know where General Whitelocke's division passed the night; but if that division remained during the afternoon of the 2d, and the night, in the situation which has been described to me by the Deputy Quarter-Master-General, Lieutenant-Colonel Bourke, then it is clear that no co-operation could have taken place that evening, and that we could have derived no support from it.

In answer to the question, what measures were taken for ensuring the success of the attack upon the

town, either by bringing up troops, opening communications with the different divisions of the army, and reconnoitring the approaches of the town, I have to state, that I heard that an order had been sent to Colonel Mahon, by a person of the country. To the best of my recollection, I heard it from General Whitelocke; but I am not certain. I am perfectly certain that General Whitelocke, at one time, had sent an order to Colonel Mahon (whether it was on the 3d or 4th, I do not know) who was then at Reduction, and had with him a considerable part of the field-artillery, to advance towards the bridge, at the same time that the rest of the army should attack the town; and I think I heard that two orders had been sent to Colonel Mahon. I know of no other steps that were taken for procuring the co-operation of the army. With respect to reconnoitring the approaches of the town, I believe every thing was done by the staff officers, and the officers commanding brigades, that could be done on the right; but with respect to the left, I cannot speak.

With respect to the enemy's plans for the defence of the town, I have already stated the information we had from Mr. White, which proved to be very true.

*Judge Advocate.*—I wish to know what the details of that information were; if it came from General Whitelocke, or was within his hearing.

A. It was communicated to me by several officers, that Mr. White gave that information in General Whitelocke's apartment. I know very well, that with respect to the approaches of the right wing (I mean of my own brigade, and the corps under it), every thing was done that could be done. I speak of my own knowledge.

Q. Were there any orders given by Lieutenant-General Whitelocke to reconnoitre the town?

A. To the best of my recollection, we were on

dered, in General Whitelocke's house, at the time the plan of attack was communicated to the officers, to make ourselves fully acquainted with those parts of the town, upon which we were each respectively to advance, and to make ourselves as much masters of the plan of attack as it was in our power to do. I believe the plan was formed before General Whitelocke came up. Whether the orders were given by General Whitelocke, or General Gower, from whom I most frequently received orders, I cannot say.

In answer to the question, what intelligence was received from prisoners as to the designs of the enemy, and his plan for the defence of the town, I have to state, that I do not recollect that any intelligence was obtained from the prisoners taken on the 2d, nor do I believe that they could have given us any information; because the enemy's position was entirely changed after that action. I mean the position in the town was entirely changed in consequence of the operations of the 2d; but on the 4th of July, Mr. White told me, and several other officers, in General Whitelocke's room, that he was informed, I think he said, by people who left the town (which of course it must have been, and the information proved correct), that he was informed that the enemy had strongly intrenched and placed heavy cannon in all the streets leading into the great square, and had concentred the principal part of their force in the neighbourhood of the square in that part of the town. I can only say, that the position which, in the course of the subsequent part of the trial, will probably be accurately described to the Court, and which I had the opportunity of observing, both during the action and after I was taken prisoner, was very remarkable; indeed, it turned out to be just such as Mr. White did, on the 4th, describe it.

I yesterday stated, that I am now convinced, that had the army been in a situation to pursue the ad-

vantage gained on the 2d, the town would have been carried with ease. I did not, I believe, state the grounds of that conviction. I do not know whether it is proper I should state them.

*Judge Advocate.*—I may as well state now as at any other time, that if General Craufurd had not stated his opinion upon that point, I should have thought it my duty to have asked him for it; a question of a similar nature having been decided by the Court to be fit to be put. If, therefore, General Craufurd thinks fit now to state the grounds of that opinion, it will perhaps save the time of the Court.

*Brigadier-General Craufurd.*—I thought so at the time, because during the greater part of the march of the 2d, we had seen, what, from its appearance, there was every reason to believe to be the bulk of the enemy's force in the field. By our movement, and what we latterly observed of theirs, it was evident that we had turned their original position, and that they were engaged in an attempt to change their front, and take up a new one on the western side of the town; and, as we defeated a considerable division of their army during this movement, there was every reason to believe, what we afterwards found to be true, that they were not prepared for the defence of the town on that side.

In answer to the question respecting whether the troops composing the advanced corps, were selected from those best calculated for that service, I have to state that those composing my brigade, with the exception of the detachment of the 71st, the light infantry, and rifle corps, were, I presume, the description of troops that should naturally have been selected for that purpose; but the 36th and 88th regiments, which had been embarked full nine months, although very excellent regiments, did certainly not appear to be so fit to form a part of the advanced corps as the 38th and 40th or 87th regiments, who

had been long in the country. I state this generally, but I should think that if so small an army as that had marched together, it would not have been very material whether those regiments or any other had formed a part of the advanced column: what I mean by so small a corps as that is this; it did appear to me that no great detachments should have been made from it, but it could not have made any material difference whether those regiments, or any other, formed a part of the advanced column; in fact, they were not so well able to march as the other regiments; those regiments were more fatigued certainly than the 38th and 40th would have been. I believe the best way will be to confine myself to the answer that I gave at first, that I did not think they were so fit as the regiments that had been long in the country. What I have now stated is merely explanatory, and I conceive it perfectly unnecessary to take it down: I have no objection to its remaining on the proceedings if the Court think it ought; but I did not state it with an intention of having it taken down.

I believe I did yesterday, in my evidence, positively state, that neither I, nor, to the best of my knowledge, the Brigadiers, were consulted with respect to the attack. I state this in justice to myself to point out that the plan of attack of the town, on the 5th of July, was of a very different nature from that which would have been upon the 2d. I wish to be allowed to state, that I hope the Court will not conclude, because I approved of the attack on the 2d, that I approved of that on the 5th. My opinion of the attack on the 5th was never asked, and I never gave my approbation or disapprobation of it: my opinion was never asked, and I should have thought it presumptuous in me to give it.

*The evidence of Brigadier-General Craufurd read over to him.*

Brigadier-General Craufurd requested that the following sentence might be struck out of his evidence: "It did appear to me that no great detachments "should have been made from it."

*Judge Advocate.*—I feel very considerable difficulty in acceding to the wish General Craufurd has expressed, that that part of his evidence should be struck out, because the object of calling General Craufurd, or any other witness, to give his testimony to the Court upon this subject, is in order that they may be acquainted with all the knowledge of which the witness is possessed tending to substantiate the charges against Lieutenant-General Whitelocke, and to give all the information in his power upon the subject to which those charges relate. If the Court are of opinion that the three lines which General Craufurd wishes to be struck out of his evidence, do tend to give information to the Court upon the subject of the charges, I do not at present conceive it to be my duty, in the situation in which I am placed, to consent that those words should be omitted, unless it is the pleasure of the Court they should be struck out. I feel that General Craufurd and every other officer may be placed in a very unpleasant situation; but it is a situation which every man, who comes forward into a court of justice to give evidence upon his oath, is perpetually placed in; and therefore I cannot consent to those words being omitted, unless it is the pleasure of the Court that they should be so.

*The Court cleared.*

*The Court resumed.*

*President.*—The Court have desired me so say,

that that part of your statement cannot be struck out.

*Judge Advocate.*—Were there any, and what, local impediments in the march from the heights above Barragon to the Chuello, to have prevented the army arriving at a short distance from that river, on the 2d day after its departure from the heights?

A. If the army had not quitted the heights of Barragon before the artillery had crossed the great morass, and if the troops had been in the habit of marching, I think that the army might, without difficulty, have reached the position in front of Reduction in two marches; but, considering all the circumstances that existed at the time, I do not think the army could conveniently have been assembled in the position before Reduction before the evening of the 1st. Indeed I had no reason to believe that Colonel Mahon, with his corps of the artillery, could have arrived there sooner than they did, namely, on the 2d; when I say "could," I mean without harassing them.

Q. You have stated in your evidence that you had a conversation with General Whitelocke on the 1st of July: state whatever you remember of that conversation which applies to the subject of these charges.

A. While the troops were halting, General Whitelocke took me aside, and the substance of what he said to me was, that he had thoughts of detaching a part of the army to make a considerable detour towards the higher parts of the river Chuello, in order to turn the position which the enemy, he understood, had intrenched on the Lower Chuello, whilst the rest of the army should advance against that position, and that General Gower agreed with him that this was an advisable operation. I am of course speaking only to the substance of the conversation, and not the words. I mentioned this yesterday as a

proof that the General had received information that the enemy had such a position. The rest of the conversation was merely an opinion of mine.

*Judge Advocate.*—I wish the conversation to be taken down.

*Lieutenant-General Craufurd.*—The Commander in Chief asked my opinion, and I told him that considering the smallness of the corps or army which he commanded, it did not appear to me to be advisable to make any so considerable a division of its parts, to act at so considerable a distance from each other. I think he ended the conversation by saying, well, I believe you are right: I am not very positive of it; but I think the conversation ended in that way,—well I think you are right.

Q. Was it known at that time that there were more passes than one above the bridge over the Chuello?

A. The information which I had received at that time, was very vague. I had heard that the course of the river was so short, that we might head it altogether; but I was not in possession of all the information that the Commander in Chief was, of course. I do not know what information the Commander in Chief had. I am now speaking of the 1st: on the 2d, the latter part of this information was contradicted by an Indian servant of the proprietor of the house in which I passed the night of the 1st of July, and took with me the next morning as a guide. I think, I said in my evidence before, that I had only found one person, a Mr. Duval; but I now recollect that Mr. Duval, and this person I am speaking of, were the only two persons I met with on the march. I think I have not said there was only one guide, because Mr. White went with us all the way from Monte Video, which was known to the whole of the army, and we found him a very useful man.

Q. You have stated in your evidence, that early

on the 2d, you received an order from General Gower, who had passed the night with General Lumley's brigade, to be in readiness to march at nine o'clock; that before nine General Gower came to you, and you then said, "I had a good deal of conver- "sation with him with respect to the object and di- "rection of the march. I understood from him, that "in consequence of the information received, that "the enemy had constructed several batteries for the "defence of their position on the Lower Chuello in "the neighbourhood of the bridge. It was deter- "mined to turn that position by passing the river "higher up; but I think it material to state, that "the Major-General, at this time, certainly had not "settled with the Commander in Chief, or determin- "ed in his own mind, where we were to attempt the "passage, at the ford called the Passa Chico, which "we did, in fact, cross, or at one which was said to "exist about a league higher up the river."—My question upon that, is at what hour, as far as your memory will enable you to state accurately, you saw General Gower that morning when this conversation passed?

A. I have said a little before nine: I should suppose it was about half past eight or nine.

Q. In the course of that march, you state that, some time after, Major-General Gower showed you a letter from General Whitelocke to him, by which letter Major-General Gower was authorized to cross the river and establish himself in, or in the vicinity of, the suburbs of the town, which it was clear to you, from the position of the two armies, could not be effected without an action. Now state, as particularly as you can, the contents of that letter which Major-General Gower showed to you from General Whitelocke.

A. I have already stated what was the principal substance of the letter, and am not able to give the

Court any more particular information respecting its contents. The letter itself was in the pocket of General Gower's Aid-de-Camp, who was taken prisoner.

Q. Did that letter, or did it not, contain an order to Major-General Gower to march; or was it merely an authority to General Gower to act according to his discretion? Perhaps it is fair to state, that my reason for asking that question is, that you have stated that by that letter Major-General Gower was authorized to cross the river; therefore I wish to ascertain whether that letter contained an order to march, or whether it was an authority to Major-General Gower to act in that respect according to his discretion.

A. From my recollection of the contents of the letter, as well as of all that passed between me and General Gower that day, I do believe that the letter was so worded as to leave it to the Major-General to act according to his judgement; at the same time I must repeat, that I do not recollect the precise terms of the letter. Whether it can be considered a positive order or not, must depend upon the wording of it; and I do not recollect the precise terms. Of this, however, I can speak positively, that the Major-General's conduct was that of an officer who had not received a peremptory order.

Q. Is the Court to understand that, though Brigadier-General Craufurd does not remember the terms of the letter, he does remember the whole of the substance of the letter, and that the whole of the substance is what he has stated in his evidence?

A. I am not sure whether the letter contained any authority to summon the town. I have heard since that it did, but I am not sure whether it did or not. I saw it only once, and that at a moment when my mind was wholly occupied with the operations that were going on. What I mean is, that it might have contain-

ed such an authority for summoning the town, and that we could not do before we had an action with the enemy; but that would not have made much impression upon my mind: I was attending more to the operations that were going on.

*The question again read to the witness.*

A. The only part of the letter that I do recollect, was to establish himself in or in the vicinity of the suburbs of the town. I think I could undertake to swear positively to those words; I certainly feel perfectly safe in asserting that that was the substance of the letter.

Q. My question is, whether there might not have been other parts of the letter which General Craufurd does not remember, and which he has not stated to the Court?

A. I can give no other answer: probably a minute of the letter may be produced hereafter. I recollect nothing of the letter, but that which, to the best of my recollection, did authorize Major-General Gower to establish himself in or near the vicinity of the suburbs of the town.

Q. Might there not have been other parts of the letter which you do not remember?

A. Certainly there might: I did not pay any particular attention to it.

*Judge Advocate.*—I have now concluded my examination of General Craufurd.

*General Whitelocke.*—I have no question to trouble General Craufurd with at present.

*Examined by the Court.*

*General Fox.*—Q. Having stated in your evidence that there were no camp-kettles with the expedition, was there or not a possibility of providing for the con-

veying of those camp-kettles with the expedition, either by horses or mules, or by any other conveyance?

A. When we landed at Barragon, I saw a considerable number of horses, whether the number was sufficient for the purpose of conveying the camp-kettles, or what proportion of them, if they had been tried with the packs, they would have carried, I had no opportunity of ascertaining, as my brigade immediately moved on to the heights. Some of the horses certainly would carry them: I had one or two myself who were quiet, upon the whole. I think if it had been made an object, other people may think otherwise, but I think, upon the whole, if that had been an object, a proportion of the camp-kettles might have been conveyed, which would have been extremely useful. I believe so certainly; but I had not the means of ascertaining it. What I said upon that subject yesterday, was in answer to questions put to me in writing; and I think it right for me to say what likewise I know, that the principal object to which General Whitelocke's mind seemed to be subordinate, was gaining time, from the information he had received of the heaviness of the rains when they did set in, that of getting to Buenos Ayres before they did set in: every consideration seemed in his mind to be subordinate to that of gaining time, and certainly the arrangement of the camp-kettles would have taken up a great deal more time. I had some opportunities of observing how anxious the General was to finish the operation before the heavy rains should set in. I must, however, add that, in my opinion, considering how much time there had been before the arrival of my detachment to prepare this operation, which it was determined to undertake as soon as I did arrive, a great number of horses might have been conveyed with the army across the river Plata.

*Judge Advocate.*—I am desired to ask you, how were the victuals for the troops dressed?

A. They landed with three days' salt provisions ready dressed, that was the order that was given: what they got afterwards they roasted by the fires they made at night.

Q. They could roast their fresh meat without any difficulty I suppose.

A. No, there was no difficulty in dressing the fresh meat, but we got very little: we found some beef hanging upon the trees, and we got some sheep sometimes. There was no means of boiling the meat, but there was no difficulty in dressing what fresh meat they got. With respect to bread, as I stated before, they had neither bread nor substitute for bread for two whole days; indeed they were more than two days without bread, because I reported to General Gower, on the march, that a great deal of what they had in their haversacks was spoiled in going across the swamps. I must add, that I do not think my brigade, being in front, suffered materially from the want of meat; but I do think the men suffered considerably from the want of bread and spirits: they were considerably jaded. The Court will be aware, that that sort of coarse meat taken from the fire, without any bread, and eaten in a very irregular way, without any thing else, was not sufficient to enable the men to march.

Q. Do you know the part of the army that Lieutenant-General Whitelocke allotted for his station during the attack of the town of Buenos Ayres on the 5th of July?

A. I had some conversation on this subject with General Gower late in the evening of the 4th; and, from the conclusion of that conversation, I understood it to be settled that he, General Gower, should recommend it to the Commander in Chief to take his station in the morning a little in the front of the

ground upon which the right of my brigade then stood; namely, the slaughtering place of Coral.

Q. Had Lieutenant-General Whitelocke allotted any situation or place of rendezvous for the troops to have retired to in the event of the attack upon the town of Buenos Ayres upon the 5th of July not succeeding?

A. I never heard of any.

Q. Was it communicated to you and the General Officers, where, during the attack of the 5th, Lieutenant-General Whitelocke and Major-General Gower might be found in case of need?

A. At the same time that General Gower informed me that he should recommend it to the Commander in Chief to take his station in the morning, as I have already described, he also, in answer to a question that I put to him respecting his own situation, said, that General Whitelocke had ordered him to be with him; but I do not recollect his having mentioned this as the situation in which he should remain; I mean as to where he should go in the morning. I do not recollect that General Gower said he would remain there all the day. What I am speaking of, is a conversation between General Gower and myself only: I do not recollect it having been made known publicly; but it may have been made known to every other Brigadier as well as to me: it certainly was not in the written disposition: I can produce the written disposition to the Court if it is wished. I do not recollect its having been promulgated officially.

Q. In the distribution for the attack of the 5th, was any part allotted for the Commander of the forces and second in command?

A. To the best of my recollection, in the written disposition and orders for attack, there were none; nothing was said upon that subject. I state, distinctly, and upon my oath, what are the facts: it was

a conversation with General Gower, between him and myself certainly, which began by my asking him where the Commander in Chief would be: he said he thought he would be at Mr. White's house. I told him I thought that would not be a fit place: he then said he would be at the right of my brigade. It was in consequence of there being no orders that I asked General Gower the question.

*Lord Lake.*—Q. Were any general orders given in public at any time where General Whitelocke was to be found on that day?

A. I do not recollect that there were.

Q. You must have recollected if there were.

A. I have stated that, to the best of my recollection and belief, it was in consequence of that not being officially promulgated that I had that conversation which I have related with General Gower.

Q. What proportion in point of number, of the main bulk of the Spanish army, which you observed on the 2d of July, do you believe were engaged with and defeated by your brigade on that day when the enemy lost their 12 pieces of cannon?

A. I saw very little of the Spanish army after we left the Passa Chico. When I was at Passa Chico, I saw what I conceived to be a considerable part of the army of the enemy; after that the ground was so extremely intricate that I saw no more of them till we came suddenly upon them, and they were then flying.

Q. Did you see half of them?

A. We were 1000 men; I should suppose their number was considerably more than ours. From the time that I saw them in motion near the Passa Chico, I never saw their force distinctly till they were close, and they were then flying; we were within 30 or 40 yards: I could only give a vague guess from their firing when they were advancing: they were considerably more than our own; there might be 2000 men

perhaps engaged. From the time of their opening their fire, till we were among them, was not more than three or four minutes. I could only judge from their firing; but I cannot speak with any accuracy, what proportion the division of the Spanish army we were engaged with formed of the whole bulk of the Spanish army. With respect to the quality of the troops, I believe it was the best troops they had: at least the troops that were killed were all dressed in uniform, and a great number of those that we saw afterwards were not dressed in uniform. General Liniers was present, and was nearly taken prisoner. We took twelve pieces of cannon, which, I believe, was the whole of their artillery.

Q. Had the enemy been, as it was represented, intrenched for the purpose of defending the passage of the Chuello by the bridge, might they not have been attacked with advantage by Major-General Gower's corps, after fording the Chico pass, by coming in the rear of their intrenchments; and would not the consequence of the defeat of the enemy there, have opened the passage of the bridge for the main army, and the bringing up of the artillery?

A. I have already stated, that after crossing the Passa Chico, I observed what appeared to me to be a very considerable part of the enemy's army, moving from their former position in the vicinity of the bridge, with an intention of taking a new one upon the heights, higher up the river. Then there is a road which goes along by the side of the river, upon the low ground between those heights and the river. That is the direct road to the bridge, but General Gower not being there, I, acting for myself, did not think it proper to march along this lower road, leaving the enemy's army upon the heights, upon our left flank. The movements we made appeared to me to be the only ones we could make with propriety.

Q. Did Major-General Gower express any dis-

pleasure or uneasiness to you, at the letter he received from Lieutenant-General Whitelocke on the morning of the 2d?

A. Quite the contrary.

*Judge Advocate.*—I was about to state to the Court, after General Craufurd had finished his evidence, I intended to call General Lumley, with a view to bring before the Court, as completely as possible, the whole of the transactions which relates to this expedition in the order of time; but I am sorry to hear that General Lumley is prevented from attending to day by indisposition. I am, therefore, under the necessity of breaking the chain of the operations of the army by calling Sir Samuel Achmuty.

Adjourned.

## NINTH DAY.

MONDAY, FEBRUARY 8, 1808.

*Brigadier-General Craufurd called in again.*

*Judge Advocate.*—General Craufurd having expressed a wish to state some points to the Court, which he had omitted in his evidence; and adding, that he was the more anxious to explain those points, inasmuch as he thought he had some explanation to give favourable to General Whitelocke; I submit to the Court the propriety of hearing what General Craufurd has to say; and, if the Court will permit me, I will now call upon General Craufurd to state what those points are which he wishes to add to his evidence, or to amend it.

*General Craufurd.*—I do not know that the Court

will think it of importance: it appeared to me to be so. I have stated that General Whitelocke appeared to me to be extremely anxious to bring the operations to a close before the setting in of the rains. I omitted to state that from every information I received, there certainly appeared to be reason to apprehend that the rains would commence in a very few days, and with great violence; and, as the army was necessarily unprovided with tents, and the country in which we were acting did not, until we arrived in the immediate vicinity of the town, afford any means of putting the troops under cover; I, as well as the other officers with whom I conversed, certainly felt the importance of avoiding all unnecessary delay. The Court will be aware it was more important from the circumstance I have mentioned already, that the troops had been for nine months living on board the transports, and of course would have been liable to be exposed to dysentery and other complaints, for long lying out in the wet. I must, however, beg to state that, what I am now saying, must not be taken as contradicting any opinion I have given in the former part of my evidence. It is also necessary for me to state that, I think, there was no possibility of bringing a considerable part of the army under cover in the vicinity of the town: the country, until we arrived in the vicinity of the town, afforded no means. There is another circumstance, which, before I give the Judge Advocate the trouble of taking it down, I will say. It appeared to me an object for the Court to ascertain how far General Gower was, upon the day of the 2d, acting under a peremptory positive order. I stated in the course of my evidence, that on the march from the Passa Chico to the suburbs of the town, I twice received an order to halt; but that I did not collect from the manner in which that order was given to me, that it was the intention of the General that we should halt with a

view of General Lumley's coming up, or whether it was to halt for the night; but I am very strongly impressed with the belief, that it was the Major-General's intention to take a position for the night: I confess, to me it is rather a proof that the Major-General did not consider himself as acting under a peremptory order. I know what I said, in answer to it, was, that the enemy were in such a state that it was much better to go on.

*Judge Advocate.*—A paper is put into my hand by General Whitelocke, in which he says, an order that was given is lost. General Craufurd has before stated that he saw it: it may be of importance to know what the purport was, and what was done under it. It may be important to ascertain what the nature of the order was; that is precisely what I wish to ascertain. General Craufurd says he only read it once, and has a very imperfect recollection of it.

*General Craufurd.*—I was explaining that part of my evidence.

*Judge Advocate.*—If the Court think that General Craufurd's opinion of the conduct of General Gower is evidence to be received, I think that General Craufurd's explanation now ought to be received; but my opinion is, that that ought not to have been received at all.

*General Craufurd.*—I trust the Court will permit that indulgence which is usually allowed to a witness, to explain my evidence, which I will do in a few words, that I may not appear to be inconsistent.

*General Sir John Moore.*—If there was any inconsistence, General Craufurd ought to be allowed to explain; but I, for my own part, do not perceive any thing inconsistent in General Craufurd's evidence.

*Lord Cathcart.*—General Craufurd has stated minutely those circumstances. He said, "I do not recollect the precise words of the letter, but from my recollection of the contents of the letter, as well as

all that passed between General Gower and me on that day, I believe the letter was so worded as to leave it to the Major-General to act according to his judgement: I do not recollect the precise terms of it; of this, however, I can speak positively, that the Major-General's conduct was that of an officer who had not received peremptory orders."

*General Craufurd.*—There is another point of my evidence, which I wish to amend, what is stated with respect to the Lassomen. Upon further recollection I mean to state, that there were none put under my charge, and that no part of the commissariate attended to the distribution of provisions to my brigade during the march; but upon the 3d of July, before the town, I certainly did see Lassomen employed in killing cattle for the troops.

*Judge Advocate.*—I am desired to ask you what the state of the weather was during the march, and till the end of July.

A. To the best of my recollection, on the evening of the 1st of July it appeared very much as if the rains were about to commence; and, to the best of my recollection, it was on that evening that Lieutenant-Colonel Pack mentioned to me that, from the appearance of the weather, as well as from his recollection of what had happened about the same time the year before—

*Judge Advocate.*—The question is not what the state of the weather would be, but what the state of the weather actually was.

A. I was going to say, that on the night of the 2d, it rained very hard; and, to the best of my recollection, but I am not very sure of that, there was a great deal of rain during the 3d and 4th. The night of the 2d, I remember very well, there was very heavy rain; whether there had been much rain before the night of the 2d, I do not recollect, and whether the rain was heavy during the nights of

the 3d and 4th, I cannot recollect, but that there was some rain during those nights. As to the end of July I cannot possibly state, because I left it on the 9th of July.

*The witness withdrew.*

*The Honourable Brigadier-General Lumley called in, and sworn.*

*An abstract of the charges read to the witness.*

*Judge Advocate.*—Were you the senior officer employed in the cavalry in that army?

A. I was.

*Judge Advocate.*—I will now read a paper, which was delivered to General Lumley yesterday, containing the points to which I wish his attention to be drawn.

*The Judge Advocate read the paper.*

*General Lumley.*—Previous to giving my evidence to the Court, I hope I may be allowed to say a very few words which may tend to elucidate my evidence in a great degree. I hope the Court will not be surprised, or think I make use of the name of Major-General Gower too often and too improperly, if I make use of it much more frequently than that of Lieutenant-General Whitelocke. From Major-General Gower I received almost all orders, very few indeed excepted, from the first period of Lieutenant-General Whitelocke's arrival in that country, until the time of our being stationed upon the Retiro, beyond Buenos Ayres. I beg leave to be understood, of course, with the exception of such orders as came through the Adjutant-General's office, regularly issued at 12 o'clock. Of course, with respect to those, I cannot know where they came from: I must conclude they came from head-quarters. What I mean is, all special occurrences respecting the cavalry ar-

ments, at the time of the arrival of Lieutenant-
ral Whitelocke at Monte Video, which, I be-
was on the 10th of May.

ge *Advocate*.—As General Lumley has very
rly thought fit to preface his evidence in the
e has, it will be necessary for the Court to con-
whether they can receive in evidence any orders
from General Gower, unless there is something
nature of the orders received, from which the
are compelled to conclude they came from
ral Whitelocke; because as Major-General
r had intrusted to him the execution of any
the duty belonging to the command of this
tion, so long as he was intrusted with those
, I conceive no order of his can be brought in
ce against General Whitelocke, or for him.
n another point of view it appears extremely
indeed, to admit the evidence of such orders.
ral Gower is not put upon his trial. General
r has no opportunity of explaining the orders
s given, and which, for aught, I know, may re-
explanation. It is, therefore, extremely ma-
for the Court to consider, and decide to what
e they will receive evidence of those orders to
r General Lumley has stated his examination
rincipally apply. The Court understand the na-
of military command; and they will best know
far the orders General Lumley is about to
: to, must be considered as proceeding from
ral Gower, exercising the duty of the second in
and, as evidence against the Commander in
. It does appear to me we should not receive
nce which can have no relation to the case,
which cannot affect General Whitelocke by any
s; when, at the same time, it may affect the
cter of an officer who is not put upon his trial.

*Member*.—It appears to me that Brigadier

General Lumley could receive no orders, but Major-General Gower.

*General Sir John Moore.*—I conceive you leave it to General Lumley. He knows it is no neral Gower, but General Whitelocke, that is and therefore it should be left to him to stat which appears to him to be relevant to the cha I think it is impossible for us to judge of it.

*A Member.*—I suppose it will be in the pow the Judge Advocate, to check the witness if he any thing that does not apply to General W locke.

*Judge Advocate.*—I thought it right to state objection at first, with a view to the difficulties might arise in the course of General Lumley's mination. Perhaps the Court will think it fit to till that difficulty shall arise. At the same time necessary that General Lumley should under clearly, that the testimony he is about to give, apply merely to the charges against General W locke.

*General Lumley.*—If I may be allowed a s word, it will explain it. It was merely from deli lest I should be thought to mention the name officer unnecessarily, and not called for. I am dier enough to know that I must consider the C mander in Chief at any place as the person whom all orders flow. It cannot rest with me, ther an order has been given by the authority o Commander in Chief or not.

*Judge Advocate.*—I will state, that the Court understand more clearly what I mean, that it a out of the order which I have seen.—*(Reads order from a book).*

*Brigadier-General the Honourable William Lumley, being sworn, was questioned by the Judge Advocate General.*

Q. Were you senior officer of cavalry employed with the army in the expedition under Lieutenant-General Whitelocke against Buenos Ayres?

A. I was.

The charges and a paper were read, which had been given to Brigadier-General Lumley, and in which he was desired to state:

"Whatever fell under his observation, either at "Monte Video or elsewhere, previous to the de- "barkation of the troops at Barragon, relative to "the preparation of the cavalry, which composed a "part of the army under Lieutenant-General White- "locke's command for active service, whether as re- "lating to the procuring horses, training them, pro- "viding provender, the care and preservation of all "articles of cavalry equipments. Likewise to state "the arrangements made for transporting the caval- "ry to the right bank of the Plata, and for bringing "over such further supplies of the various articles of "equipment as might be required, as the power of "mounting the cavalry might be increased, by the "taking of Buenos Ayres, or the further advance of "the army into the country.

"To state the number of dragoons actually "mounted; how far the horses procured were of "the best description the country afforded, or, at "least, whether they were not equal to those to whom "they were likely to be opposed.

"To state the mode in which all the cavalry, and "particularly that portion of it which was mounted, "was disposed of from the time of disembarkation, "to the night of the 4th of July. Whether they

" were employed in those services to which troops " of this description are particularly adapted. With- " out entering into a detailed narrative, to state any " circumstances which fell under his notice respect- " ing the conduct and operations of the army pre- " vious to the night of the 4th of July, as connected " with the charges exhibited against Lieutenant-Ge- " neral Whitelocke."

*General Lumley.*—On the arrival of Lieutenant-General Whitelocke, I believe it was on the 10th of May, I happening to be personally acquainted both with Lieutenant-General Whitelocke and Major-General Gower, as soon as I heard of their arrival when I was riding out in the morning, I waited on them and paid my respects to them. On the 11th of May, the order was issued, which has just been read by the Judge Advocate to the Court, with respect to Major-General Gower being appointed to attend to the executive duties and localities of the situation. On the morning of the 12th of May, which was the next morning, General Gower, in the square of the Government-House, when I was proceeding to pay my respects to the Commander of the forces, called me on one side, and asked my information with respect to the posts up the country.

*Judge Advocate.*—I shall submit to the Court, that that conversation between General Gower and General Lumley can be no evidence to affect General Whitelocke.

*General Lumley.*—It affects no one, it was merely to know the names of the places I had visited, and where the posts were, and the number of troops stationed at each. I gave him the information that he wished, to the extent of about 70 miles, that I had been up the country.

*General Harris.*—General Lumley had better confine himself to the paper put into his hands by the Judge Advocate.

*General Lumley.*—The first thing I shall have to state, will be with respect to the horses. In consequence of conversations which took place in the course of two or three days, upon the 15th of the month, I think it was, that the Major-General desired me to go up the country to procure horses at the places where we still had posts. I stated to him that it would be the readiest way, without adopting the usual mode of calling upon the magistrates of the country to procure horses, which would be the last resource, that it would be a readier way for me to go up and purchase them. He asked the price; I stated to him that four dollars was the usual price given by the Crown of Spain for public horses, but probably the price would be raised in some degree; but I had no fear but I should be able to get good horses at six dollars a piece. I must remark, that the horses in themselves are exceeding clever horses as I ever saw in any country, this country excepted. I think the cavalry might be mounted as well in that as in this country for that money; but the total want of dry food, corn and hay, upon our first arrival, and for some time after our arrival there, rendered them useless in a very few days; they were obliged invariably to be turned out for a certain number of hours, and to be guarded. They had nothing but the open plain, which was an exceeding rich pasture, except a kind of short sour grass, which was brought into Monte Video, which was called pasto. At this period the Indian corn of the country, what there was grown in the country, had been just cut down, and exertions were making to procure as much of it as possible, previous to the arrival of the Lieutenant-General. On stating this to the Major-General, he said every exertion should be used to collect all the corn that was possible, if I would exert myself in the mean time in procuring horses. I remained in

Monte Video till the morning of the 20th of May. About the 18th or 19th, the Major-General found fault with me for not going off sooner. I explained to him that I had previous communications to make with persons in Monte Video, whom the Court will excuse me from naming, lest it should be injurious to them, and with persons up the country likewise. On the 20th of May I proceeded up the country by a small village called L'Espados, to Connelans, which is also called Guadaloupe. During the few days I was up the country, I certainly corresponded with Lieutenant-Colonel Torriens, the military secretary. As the correspondence was to be in writing, I thought him the proper person to write to; if he was not, I supposed I should be set right by his answer. The correspondence continuing through him, I concluded I was right. Upon my arrival at Connelans, I found the large rivers that lay beyond it, where I intended to pass over with some detachments to procure horses, or to have horses sent over to me, exceedingly overflowed earlier in the year than usual. The light troops of the enemy, which could hardly be called regular troops, a banditti as we called them, had increased in number in all parts on the borders of those rivers, and had deterred people with whom I had had communication from bringing down horses. I did send up the country to them by private messengers, and consequently could not proceed beyond those rivers, as I had wished, without a considerable degree of difficulty, and without a reinforcement. The rivers of Great and Little St. Lucia, and the river San Josef, called by the Spaniards San Cosa, are the rivers which I refer to. I consequently wrote to headquarters for a reinforcement, which was ordered me on the 23d, and arrived on the 24th; but at the same time, with a caution not to run any risks. I was particularly directed not to get into action if I could

avoid it, but to preserve the troops for other purposes; consequently I was prevented from crossing the river, as it could only be passed by fords, which at that time of year obliged the horses to swim, or at ferries where there were only single small boats, which would convey but a few at a time; consequently, I was obliged to be contented with those I could procure in the neighbourhood of Connelans. Having collected about a hundred, besides some few that I left to replace those that were worn down at Connelans, I wrote for permission to return to Monte Video, as I thought I could be of no more use there. In consequence of a letter in answer from Colonel Torriens, I arrived at Monte Video on the 29th of May or the 30th, I will not be certain, I think it was the 29th, leaving directions with Lieutenant-Colonel Lloyd, to procure as many more horses in that neighbourhood as he was able. I should have added, that I was instructed, soon after I went up the country, to give any reasonable price, as far as a doubloon, if I found that necessary: I did so. Upon my return to Monte Video, I of course went to pay my respects (it was late in the evening) in the first instance to the Lieutenant-General, and to the Major-General the next morning. The Lieutenant-General found very great fault with me for fixing the price at six dollars, and said I had lost the opportunity of getting horses in consequence of that. I begged leave to assure him that was not the case; that as we raised our price, the people of the country would raise theirs, and I hoped soon to have an opportunity of proving to him that I was not mistaken. I then proposed to him a plan, which I had still in reserve, of calling upon the magistrates, the cabildo of the town of Monte Video, to send out and collect horses in the way they had always been accustomed to do for the King of Spain. On the 1st of June the order

was issued to them accordingly, and on the 4th, I think it was on the 5th, they brought in about 500, of which a certain number were immediately chosen to complete the artillery, in the first instance, to the number they were ordered to embark, and then the cavalry were also completed to 160 as ordered. We had several more remaining, a considerable number above 100, between one and two hundred, the worst of which were turned out to grass under the care of the cotepass, a bailiff of the king's lands, a kind of land steward; and the rest turned over to the charge of the 20th light dragoons, there not being room to take any more on board. Some very few more were afterwards put on board without any order, finding there was spare room in each ship for one horse or two. During this period, the mounted dragoons had come down the country from the outposts under Lieutenant-Colonel Lloyd, and had embarked on the 2d or 3d of the month; some on the 2d, and some on the 3d, as part of the mounted squadron before mentioned, with such forces as were fit for it. With respect to the food for the horses, I was made acquainted by Major-General Gower that the Commissariate would take care of that. I had been authorized by an order of the 18th of May to give directions with respect to the feeding of the cavalry, having previously stated the quantity of Indian corn I thought necessary. On the 3d of June a general order had been issued with respect to the lessening the baggage of the army; and, I think, immediately after the King's birth-day, the 4th of June, Major-General Gower visited the stores of the 9th and 17th light dragoons, and found exceeding great fault with the quantity of baggage that he found in the barracks, and in the casements under the walls of the town; and in consequence insisted upon its being removed. I pointed out to him that there were a considerable

quantity of supernumerary cavalry appointments from various circumstances, from casualties and other things, in store, which, in my opinion, at that distance from England, were extremely valuable. He said he did not care, that the whole of them must be done away with, and the stores entirely cleared. He not only added that, but he said the dragoon himself must be lightened. I of course remonstrated that day very strongly with him upon the subject of the general destruction of the stores, or sending them away, and on that day the subject did not finally come to a conclusion, except his persevering in his opinion. The next morning I waited upon him again at his own house, after having had much conversation with the two commanding officers of these regiments, Colonel Mahon and Lieutenant-Colonel Lloyd, in which they stated to me, that it would be the total ruin and the destruction of their regiments. I began by stating objections as before to him, how totally destructive it would be to the service; that they were perpetually losing horses, many of them wild and required breaking, besides the common wear and tear, the destruction that must be occasioned by the nature of the service, the wetness of the winter season which was then coming on, and the impossibility of procuring supplies from England in any reasonable time, at that distance; and that consequently I had great reason to fear that the cavalry for whom we should not be able to procure the best horses, for most of them, from want of a sufficiency of corn, would soon be again dismounted for want of appointments. The Major-General grew exceedingly warm upon the subject, and said, "Then we are at "issue." I made answer to him, "By no means at "issue, Sir; I am too old a soldier to disobey an "order, if a peremptory order is given; but I thought "it my duty to myself to make this formal remon-"strance." He gave for answer, "That is what

" we wish :" for he invariably spoke to me in the first person, either I or we.—" We wish to do it " through you ; otherwise we must do it ourselves." Major-General Gower said, " I tell you very fairly, " I think all armies move too heavily, and that the " British army is frequently useless owing to their " being so heavy in themselves, and that we must " lighten them to act against the enemy we have to " deal with : no army has been fit to move yet on " account of its being so heavy. I do not mean " only the British army, I mean all armies." In consequence of this, which was about the time we usually went up to head-quarters to receive orders, if there should be such, but there were seldom any, Major-General Gower having been in conversation with the Lieutenant-General for some short time, Lieutenant-General Whitelocke called me up to speak to him. A conversation passed in the presence of General Gower, which I will detail or state as shortly as the Court wish : he confirmed the directions of General Gower, and desired that no difficulties might be made. General Whitelocke said, " I am sorry " there should be any discussion upon any business " just at such a moment as this ; it is very awkward, " and you must be aware it is impossible to have " such a quantity of baggage following the army and " moving about, or to be left in store to be guarded, " when the army should move out of the country." I think the Lieutenant-General stated that he should be left in charge ; that he should have the care of the baggage when the cavalry was sent up the country ; and that it was impossible he, the Commander in Chief, could be the store-keeper, or take charge of the stores. Some further conversation passed generally respecting the subject ; in consequence I found the order must be obeyed.

Q. State what order.

A. The order Major-General Gower had finally

given that morning for removing the whole of the baggage out of the stores; it was worded in this way, I said it must be either destroyed, sold, or sent to England; the answer was, " Let it be then."

Q. Was it in writing or verbal?

A. Verbal: I tried for a written order, I requested it, and stated a wish that the commanding officers might have a written order, and I was referred to the order of the 3d of the month, that that was sufficient: I consequently gave directions to the commanding officers of the two corps accordingly. On the following morning I reported to Major-General Gower, that the whole of the baggage of the ninth light dragoons would be made away with by 11 o'clock on the following day. And with respect to the 17th, the order would be put into execution as soon as Lieutenant-Colonel Lloyd could disembark, and bring a sufficient number of men with him to clear the stores. It is to be understood with respect to the order, that it was every thing but what belonged to those fit for duty, or such as were expected speedily to recover from temporary sicknesses. On the 11th of June, a Board was ordered to assemble upon the very subject of investigating the baggage, and seeing what ought to be kept; that was subsequent to what had passed with respect to the cavalry appointments: but the Board never assembled. With respect to transporting the cavalry to the south bank of the river, the numbers that were allowed to embark, as stated by the Quarter-Master-General could be embarked, they were certainly, I believe, put on board the best ships that could be procured; the births where the men had slept had been cleared away, in order to make room for the horses, and corn, and what cut grass could be procured, was put on board for the horses, three weeks' corn for each horse. The dragoons and horse-artillery were the first embarked, and the dismounted dragoons next, who were ordered to take all their horse appointments with them. I am desired to state,

I believe, the number of dragoons actually mounted, including officers. There were 187, including officers, quarter-masters, sergeants, and trumpeters, rank and file, there might be one or two more; I am not certain. They were certainly many of them exceeding good horses, in low keep, but likely to turn out very useful, and superior to the horses the people of the country rode, after having been properly fed for some time; because the horses of the banditti of the country, as we used to call them, for they were not dressed like soldiers, and would rob and plunder, as well as endeavour to oppose us, they were always grazed and never fed upon corn. From the period of the arrival of the forces under Brigadier-General Craufurd, the brigades were arranged. It was on the 14th of the month of June, I believe, that Brigadier-General Craufurd landed, and the first arrangement of the brigades was made on the 15th. At that time I was continued with the cavalry brigade, and I sent, by permission of General Whitelocke, directions up to the commanding officer of cavalry at Colonia, that probably he would be permitted to embark some horses, and I sent him written instructions how to proceed with respect to feeding them, and on other necessary points; Lieutenant-Colonel Bourke, the Quarter-Master-General, having promised that some horses should be embarked at Colonia if possible. On the 18th the brigades were nearly arranged, and I had nothing further to do with the mounted dragoons. I have only to add, that they never were in the front of the division with which I marched after landing at the Ensenada de Barragon, except about 12, as escort or orderlies to Major-General Gower, and one or two with Brigadier-General Craufurd and myself. Lieutenant-Colonel Lloyd will be able to state the rest. On the 18th I was appointed to the brigade, consisting of the dismounted part of the 17th light dragoons, the 36th and 88th regiments of in-

fantry. I embarked on the 20th in the Agincourt transport, and the whole fleet re-assembled off the Ensenada de Barragon. On the 26th of June a circular order was issued, on that or the following day, to put the spirits into the smallest casks that could be found, to be conveyed on shore; the order dated on board the Nereide on the 25th. On the 27th the final arrangements were made for landing, and on the 28th in the morning the landing took place, about a mile and a half, or two miles, from the village of Barragon. I should add, that when I went on board the Nereide on the 27th to know whether there were any particular orders, the Lieutenant-General said, he had received information that he could very soon mount the whole of the cavalry, and he therefore requested that I would cause the whole of the cavalry to be prepared to disembark their horse-appointments, and to make all arrangements to secure the horses as soon as brought; I said, I should direct the horse-artillery to land with their snaffle bridles, and should recommend the same thing to Colonel Mahon, who commanded the 9th light dragoons. The troops had been ordered to cook, and land with, three days' provisions, bread and pork, which was done. On the 28th, in the evening, I was directed to advance with my brigade, as far as the out-post point of the village of Barragon at the furthest houses, and to get the brigade put up in the houses as well as they possibly could, as far as the space would allow; the Quarter-Master-General assisting in dividing the village between the three brigades, my own, Colonel Mahon's, which lay upon the right, and the remaining part of Sir Samuel Achmuty's, which fell at that time into the rear. The whole of the ground about the landing place, and round the village, was extremely low and swampy, and consequently as few were thrown out for the defence of the army as possible for the advanced posts,

I mean, as few piquets as possible; and the more so, as we were given to understand that there was an advanced corps of Major-General Gower upon the heights which lay before us. Nothing particular occurred that night; and we were ordered to march the next morning at nine o'clock, that is, on the 29th. We did march at that time, my brigade leading the line of march, a few of the rifle corps being in front; I believe one half of the rifle corps covering our front, and some few cavalry; I did not notice what number was attending upon the Commander of the forces. We proceeded for some considerable distance through the same wet swampy ground, until we arrived at an extremely deep marsh, which was up to about a man's middle, in a heavy kind of mud that it was difficult to ride through: previous to arriving at it, it might be perhaps about two miles; and the deep morass itself a mile and a half, or two miles in extent, before we got clear of it. After that we passed two or three extremely deep drains, and after marching about eight or nine miles, we arrived at the place where Major-General Gower had been posted the night before. The 36th and 88th regiments were then ordered to proceed with the Major-General, who was then waiting upon the heights for them. After some conversation between the Lieutenant-General and the Major-General, I was ordered to proceed with that part of my brigade, and put myself under the orders of Major-General Gower. Soon after we had moved on, as it appeared to me that we were likely to be far separated from the shipping, and that consequently our communication for provisions might be liable to be cut off, I proposed to the Major-General to allow me to return to the 17th dragoons to bring up four or five Pions, a kind of servants that I had obtained permission to have attached to the 17th. I stated to the Major-General that they would probably be of material use in advancing, and in procuring

cattle. I was with Major-General Gower, constantly after that period, till the arrival of General Whitelocke with the brigade under Sir Samuel Achmuty on the 3d, about the middle of the day, at a place called the Place de Miserere. I did occasionally see the Lieutenant-General before that period. I saw him at a distance once, on the 30th of the month; and about an hour afterwards he rode past me, conversing with the Major-General; and, upon his return, he said, Good day to you; I shall see you again at Reduction.

*Judge Advocate.*—The period to which General Lumley is requested to state all that he knows, does not end with the arrival of General Whitelocke, but is continued till the close of the 4th.

A. On the 3d, about the middle of the day, I cannot exactly say at what time, the troops of the advance, under Major-General Gower, had been ordered to fall back from the ground they had occupied in the morning, in some degree under a hill, and the light troops were withdrawn, with the hope of drawing out the Spanish troops from the town, who were firing on our out-posts, to bring them to action if possible. We were in that state at the time that the Lieutenant-General arrived with the brigade under the command of Sir Samuel Achmuty: we had fallen a little back from the point which we had occupied the night before. Sir Samuel Achmuty having been ordered, soon after the arrival of that column, to occupy the ground on my left, when his column was passing in the front of my brigade, at that period some of the loose horsemen from the enemy were firing upon his column as it was moving. The men of my brigade were ordered to be supplied with fresh meat, cattle that we had found upon the ground; but we had no opportunity of cooking it before the evening closed in, and we were ordered to occupy houses about half a mile, or three quarters of a mile, in front

of our then position. We had been directed to apply for biscuits at the house known by the name of Mr. White's house, at some little distance in the rear; which was then considered as head-quarters, and we procured about the quantity of a biscuit per man, and a certain portion of wine for each man, which we had found in some of the houses of the cantonments which we then occupied. Nothing particular occurred. After the close of the evening the firing ceased; each brigade threw out its own piquets and advanced guards; and I believe some of the light troops, and the rifle corps, had been again thrown in the front, chiefly to our right. On the morning of the 4th, the troops were under arms about break of day; and about the same period Captain Maxwell, Aid-de-Camp to Major-General Gower, came to me with orders to repair to head-quarters, Mr. White's house, as soon as I could: the commanding officers of corps were also ordered to attend. In consequence, I went down soon after to head-quarters. I cannot state exactly what the hour was: I found I was in sufficient time, as we had a considerable time to wait for Sir Samuel Achmuty, who was not arrived. After waiting upwards of an hour, I think, or more (whether Sir Samuel Achmuty was arrived at that time or not I do not know), the Lieutenant-General began to explain his intentions with respect to the assault upon the town that day at twelve o'clock, stating the bad weather, probability of still worse weather; the state of the troops, with respect to their being harassed, exposed to an inclement season, and in great want of provisions, induced him to see to the measure of assaulting the town in preference to adopting any other measures: I should add, in addition to which, the Spanish General having refused to listen to terms. But for the further particulars, and a more general detail, he referred us to Major-General Gower, who then proceeded to point

out to as many as could collect round him, upon a plan of the town, which lay in the room; I am not sure that it was in his possession, I believe it was in the Quarter-Master-General's possession; and at the same time directed as many as could assemble round a small table before him, to copy off the instructions he then laid before them; those who could not at the moment copy it, were to procure copies from the others who had taken copies: he then proceeded upon those orders in addition, to detail how they were to act with respect to advancing, and he repeated the caution which is likewise in the orders, to avoid the light brigade bearing too much to the centre of the town, and for the brigade that I commanded to avoid bearing too much to its right. We were told that the cannonade commencing from the centre would be the signal to advance. I ventured to ask what was to be done in case we met with greater opposition than there might be reason to expect, or than we could well oppose. I was told, that that was partly answered by the orders: we were to penetrate to the river, if possible; but we were to place ourselves as far in advance as we could, taking care to occupy the houses on our left in preference to those on our right, for fear of our being induced to incline to our right, by which we should be exposed to the fire of our own guns. Sir Samuel Achmuty during this period arrived, but I did not notice at what time; however, in consequence of his being so late, a scuffle took place, whether in the first place it was possible the attack could be made at the time named, twelve o'clock that day; for which purpose the Commander of the forces called the commanding officers of brigades round him to consult upon the point; it was soon decided that it was impossible it could take place so soon as twelve o'clock: he then was desirous to know our opinion, whether it would be better it should take place that day. I do not know whether any body had started a postpone-

ment, but there was some conversation, and he was desirous to know our opinions whether it should take place that day or the next morning. I believe Sir Samuel Achmuty gave his opinion first. Then I was appealed to likewise with respect to my opinion, which I gave, that it was certainly better to postpone it till early the next morning; I had several reasons for giving that opinion. After the opinion of all those whom he consulted had been given, it was decided that the assault should not take place till the next morning at day-break, and the hour was fixed as near as we could guess, the day-breaking at half past six; the same instructions and arrangements standing good that had been given before the time was changed. Before I left head-quarters, I was directed to reconnoitre the four roads by which the four columns of my brigade were to march in order to enter the town, but I had no time to do so in consequence of what passed: being on duty with my brigade, I was ordered to fall back, and afterwards to proceed to the out-posts with my brigade. I had two of the roads pointed out to me by Mr. White, the two right-hand roads. Previous to my leaving head-quarters, the Commander of the forces desired me to send for my Brigade-Major Roache, in order that he might go again into the town with a summons, in hopes of saving the effusion of blood which must be expected in case of an assault. I do not at this moment recollect whether he or whether Captain Whittingham went into the town; I believe one of them went, I have reason to believe so, but I left head-quarters; I returned to my brigade when we had received our orders. As soon as I was at liberty, I hastened from head-quarters to return to my brigade, as I had reason to suppose they were still under arms, and the firing had grown very brisk again at the out-posts, and very soon afterwards the line was ordered to be withdrawn to occupy the same ground they did the former day,

and the light troops in like manner recalled and ordered to fall back. We were then directed to procure provisions; there were still oxen alive in the Coral; each regiment was ordered to send butchers to procure meat; which was done. Butchers were sent, but the troops were ordered to remain under arms; but before the butchers could return with the meat, one half of the 88th regiment, under the command of Major Vandeleur, were ordered to the advanced posts to relieve the light troops, which were completely exhausted; very soon afterwards the other part of the regiment, under their commanding officer Lieutenant-Colonel Duff, were ordered to support the other wing of their regiment. Again, shortly after that, the 36th were ordered to support them; and I was directed by Major-General Gower to take the direction of the out-posts for the day. I consequently advanced with the 36th to give the directions I thought necessary, receiving as much information as I could from the senior officer there. It will be unnecessary to detail what occurred at the out-posts, except that the 88th lost several men in a very short space of time, owing to the nature of the service being new to them, more than the rifle corps did: after that I saw no more of Lieutenant-General Whitelocke during that day. The Adjutant-General, Lieutenant-Colonel Bradford, came up to me in the course of the evening, and told me that my brigade should be relieved, as they were to go on to the assault the next morning; that they should be relieved by the 9th dragoons. By some mistake they did not arrive till nine o'clock at night, and it took of course some considerable time to relieve the posts, so that the whole of the brigade did not get in, I think, till 12 o'clock. I went to make my report to Major-General Gower, who was with Brigadier-General Craufurd, a little nearer than Mr. White's house, close upon the edge of the Miserere. I did my ut-

most to procure my troops a little wine again, and a small quantity of biscuit: I believe those that got in first got a little meat. I have nothing particular that I recollect to add up to that night: the troops, it must be understood, returned to their former cantonments that they had been in the night before.

Adjourned.

## TENTH DAY.

TUESDAY, FEBRUARY 9, 1808.

*Brigadier-General Lumley called in again.*

*The Evidence of yesterday read over to General Lumley.*

*General Lumley.*—In the conclusion of my evidence, I think it material and of essential importance that it should be put upon record, that having been called upon oath to answer to general and circumstantial interrogatories which are upon the minutes, I thought it but justice to myself and the gallant army with which I served (and it seemed to me to be the wish of the Court), that I should give a general statement of such arrangements and occurrences as took place within my knowledge, without any consideration whom it might criminate, or whom it might justify. I thought so; and in some part of the evidence I was stopped by the Court: if direct questions had been put to me, I should have given as direct and simple answers as I could have done. I wish to state this merely as a justification of myself. In some parts it may appear too profuse; and in other parts the narrative was broken.

*Judge Advocate.*—I think it is due to the Court

and to myself to apprise General Lumley, that the only instance in which he was stopped in his evidence was, when he was relating a conversation between him and two other officers, which conversation was, upon every principle of law, inadmissible as evidence; that, as far as I recollect, was the only instance in which General Lumley was stopped in his evidence; and it is now for him to consider, whether he would wish what he has now stated to be put upon the minutes: if he does, I must desire that what I am now stating should appear upon the minutes likewise.

*General Lumley.*—Various occurrences took place in Monte Video, which certainly were not connected with the operations afterwards, and which did not tend either to promote or to delay them. If I had gone through the whole detail, perhaps that would have been unnecessary; but I have given no statement of what passed from the 29th of June to the 3d of July, because I conceived I was directed not to give my detail of that.

*Judge Advocate.*—It is rather unlucky that General Lumley should have a good deal misunderstood the object of his examination: if he had referred to the paper that was sent to him, he would have seen that the object was to state every circumstance he was apprised of respecting the charges preferred against General Whitelocke, from the period when any preparations were making for the conduct of this expedition at Monte Video, up to the period of the close of the 4th of July.

*General Lumley.*—Undoubtedly I understood it so, and I did conceive that, from the 29th of June to the 3d of July, there were circumstances in that period that were connected with it; but I understood I was desired not to state any circumstances till I met with General Whitelocke again. I have given no evidence at all upon those days; I understood I was not to give any evidence of any thing that passed

from the time I parted with General Whitelocke till the time he joined the division again upon the Miserere.

*Judge Advocate.*—I am certainly unfortunate in not making myself understood. After General Lumley ceased to have any communication with General Whitelocke, undoubtedly he could not give in evidence any conversation between him and General Whitelocke; but any thing that he had to state with respect to the charges, he was certainly called upon to relate.

*General Lumley.*—With respect to the difficulties that occurred, and the want of provisions during that period, I have not stated any thing. I must beg leave to state what did occur upon the march, and I will state it as short as possible.

*Judge Advocate.*—You stated that a general order was issued on the 3d to lessen the baggage of the army, and that Major-General Gower visited the stores of the 17th and 9th light dragoons: will you now have the goodness to state the order made by General Gower, and the confirmation of it by General Whitelocke?

A. That the whole of the baggage, except that belonging to those who were fit for duty, and those who were likely to recover from wounds, or sickness, and likely to be again of use in that country, was to be made away with, and the stores to be perfectly cleared; and that the commanding officers might either send them back to England or dispose them in any other way that they chose. The arms, of course, were not included as part of the baggage; they were to be delivered into the artillery department. I remonstrated against this order.

*Judge Advocate.*—With respect to the march, I beg leave to read to the Court the paper which I put into General Lumley's hand. After desiring him to state the cavalry equipments without entering into

detailed narrative, he is to state any circumstances which fell under his notice as to the conduct and operation of the army as connected with the charges preferred against General Whitelocke; leaving it, of course, to the judgement of General Lumley to state what circumstances he saw or knew which were connected with those charges.

*General Lumley.*—On the 29th, after I was ordered to proceed with Major-General Gower, my Brigade occupied a height, as near as I can possibly guess, about six miles in front of the first height where we had left the Lieutenant-General, the 36th occupied a house called Loderigo's, and the 88th were a little in the rear. That night the Pions I had brought up with me, procured some cattle for the brigade: the brigade had likewise consumed their three days' salt provisions; their three days' salt provisions and biscuit were gone in consequence of their having partly eaten them, and the wet having destroyed the rest; a very small quantity of spirits had been brought up, not so much as half a day's allowance for each man. On the 30th, the next day, we proceeded from this height, the light brigade being still in our front, and being generally two or three miles in our front; we proceeded about eight miles, having passed a small river that day, and occupied three positions within half a mile of each other, not speaking accurately to distances, but only from calculation by the eye: of course, in crossing the river, there were delays and halts. On that night the Pions again procured bullocks and some pigs for the brigade, but they had no bread or spirits. On the morning of the 1st, I sent the Pions out again for provisions, and they procured some, but we had not time to cook it before we marched. I speak especially of the 88th, with which I was that day; but whether the 36th, which was more particularly under General Gower, had time, I cannot say; but the whole were without spirits and bread. On the 1st we advanced and passed the gates of Reduction at nine o'clock, and the column of Sir Samuel Achmuty, under the Commander in Chief, appeared in sight just as we were moving. On that day we advanced to the height of Reduction, and about a mile beyond it; in all, I should conceive, about 15 miles, passing one or two rivers, not

large ones, but very marshy and swampy; I think there were two or three. We then occupied the position within three miles of the heights and village of Reduction. I do not know whether it is to the purpose to add, that General Gower told me, in the course of that day, and being the second in command, I conceived it an official communication, that he intended to pass the river Chuello at the Chico-Pass that day; but he afterwards thought it impossible. A number of the horsemen of the enemy annoyed our rear that day, and wounded one man severely.

*Judge Advocate.*—The only facts General Lumley is requested to state, are those which, in his judgement, apply to the charges preferred against General Whitelocke. I conceive what he is now stating cannot be at all applicable to those charges.

*General Lumley.*—I, as a soldier, did conceive, that it referred to the case. In the evening we procured a flock of sheep, which were sufficient for the men that night; we were still without bread or spirits. Having procured provisions on the 1st, we cooked them; and during the night there was a good deal of rain, and we were again very much annoyed by the horsemen of the enemy: some of them entered almost within our lines; some of our sentries fired at them. On the morning of the 2d, I received orders from Major-General Gower to be in readiness to march a quarter before nine: I think we did march about nine o'clock: we had no annoyance from the enemy then: I think we had no provisions left. After giving me these directions, he delivered an order into my possession, stating to me just before the march, that if any thing happened to him, those were his general intentions; at the same time informing me, that the 87th regiment were intended to join my brigade upon the march.

*The Order of Major-General Gower read.*

*General Lumley.*—I should have remarked, that on the day before, a considerable number of the 88th and 36th regiments began to fall back perfectly exhausted: some of them joined us and some did not. The next day there was an order for a certain proportion to be left behind again: we marched at nine o'clock the next morning, and the

same thing occurred again: the men, still more exhausted, straggling very much, and they could not keep up at all. On the morning of the 2d, my brigade appeared extremely exhausted very soon after they marched, the 88th particularly so; the consequence was, we were obliged to bring them up as quick as we possibly could, but no delay was to be made on the march. At one period we likewise saw a column of the enemy, who appeared to be on the same side of the river on which we were, and who seemed to intend to oppose our passing the river: the horsemen soon dispersed, and about two o'clock in the afternoon, we arrived at the Chico Pass: the light brigade passed first; my brigade followed in succession with the light guns. General Craufurd, who was then advancing towards the heights beyond the Chuello, sent back to General Gower to say that he meant to push on rapidly over the heights. General Gower sent word to him that he might advance, and he would support him. From that period, by the delay of crossing the river, and the exhausted state of the men, I saw no more of him. I proceeded on in the track that I supposed the light brigade had gone, and continued on some way till I heard the firing begin. I urged the brigade to proceed, who were at that time much exhausted and fatigued, so much so, that many of them were dropping on the road, and I found I should lose half the brigade; I determined to carry up as many men as I could: the evening began to close in, and I was without any further orders than that I have stated. I continued my endeavours to pursue the light brigade by the sound of the firing, and sometimes tracked them by the feet mark, and sometimes by the sound, and at last I lost them entirely. From some circumstances that I observed, and thinking that the men might be exposed to be cut to pieces in narrow lanes, I drew them off to the left, and I fortunately brought up my brigade, when it was formed, most in advance in right of the light battalion. I had been upwards of an hour completely lost, having found the road merely by chance: I immediately formed on the right of the light brigade: I could not arrive in time to get any assistance: one man was killed, and left behind. The first person I met with was Major Trotter, who was, by that time, be-

fore; me I heard several voices, and fortunately knew Major Trotter's voice, and then brought up my brigade, and immediately inquired of Major Trotter where General Craufurd was to be found, or General Gower. He said, General Gower had sent orders to General Craufurd to retire. Situated as we were, I thought it advisable to retire also, and sent to the Major-General to receive his orders. General Craufurd said, he had received two orders; one of them peremptory for the troops to fall back. I proceeded, and arrived upon the grounds at the Miserere, where I found Major-General Gower, and reported my arrival to him. The men that day had nothing to eat or drink, and could procure nothing.

Q. Your brigade had no provision on the 2d.

A. Excepting any part of the mutton they might have reserved the night before; they had no bread or spirits, or any provisions supplied to them: they were moving from nine o'clock in the morning till nine o'clock at night, as near as I can recollect. The troops were ordered to form on the ground they then occupied: we knew nothing of the ground; the night was dreadfully wet and cold, and the men lay upon the open ground from their first marching from the village of Barragon, and of course they were never dry, having been wet with fording the river, except in a degree from large fires being kept lighted for cooking. I do not recollect that there was any disturbance, or any thing to occasion alarm. We remained upon the ground with the troops on the 3d; in the morning the troops were ordered under arms, and formed more properly in line; the left of it was thrown back in a different direction. I do not recollect any thing more that particularly passed.

*Judge Advocate.*—Upon this narrative I will trouble you with a very few questions. You have stated that the dismounted cavalry were ordered to take their horse appointments with them on embarking from Monte Video: of what did those horse appointments consist?

A. Of their bridles and saddles; every thing belonging to the cavalry.

Q. What cavalry stores were made away with, in consequence of the order you have spoken of?

A. To enter into a detail of the whole would be extremely voluminous; but they consisted of all spare appointments belonging to the supernumeraries, the men who were not fit for duty, or likely to be so, as I before stated. I am not speaking of camp equipage; that we had no dealings with; that was delivered out, or taken from them, as occasion might serve; some of them I saw rotting in the street, and some were sold to the inhabitants. I saw some caps sold to the inhabitants.

Q. Can you tell the number of appointments?

A. I cannot tell; it remained with the commanding officers of regiments to deliver in their returns.

Q. Was there any reason why that proportion of cavalry horse-appointments which it was not thought convenient to embark with the expedition, might not have been left in store at Monte Video?

A. I saw no reason, and know of no reason.

Q. Were the regiments composing your brigade, which had been, as you have stated, confined on board transports for many months, in equally good condition for marching as the regiments that had been longer in the country?

A. In my opinion, certainly not, with the exception of the 17th, who were not confined on board the ships; the 36th and 88th were.

Q. Was the station in which Lieutenant-General Whitelocke was to be found during the attack of the 5th of July notified to the General and other officers commanding divisions?

A. No, not to my recollection, that I ever heard of.

Q. Was the place of retreat, in case necessity for retreating had occurred, pointed out to Generals or other officers commanding divisions?

A. I never heard of any point of retreat.

Q. Do you know the effective strength of the 36th and 58th regiments composing your brigade on the morning of the 5th of July?

A. The two regiments could not have exceeded, I think, 1000 men; those that entered the town (the 36th) were stronger than the 88th; the 36th were between 5 and 600,

and the 88th between 4 and 500: I cannot speak positively.

*Judge Advocate.*—I have no more questions to ask General Lumley.

*Cross-examined by General Whitelocke.*

Q. Was not every possible exertion, with our means, made to increase and render effective the cavalry, during my stay at Monte Video?

A. With respect to procuring the horses, it certainly was; and, I believe, also with respect to procuring corn for them.

Q. Had your brigade any greater distance to march on any day after you landed than the other divisions of the army, except the 2d of July; and did not the main division march a greater distance on the 1st?

A. That is a question that it is impossible for me to answer; for I never knew, accurately, where the main division was on the night of the 30th.

*Judge Advocate.*—General Whitelocke says he has no more questions to ask General Lumley, till he comes upon his defence.

*Examined by the Court.*

Q. Did you see, or otherwise know, the contents of a letter which Major-General Gower received from Lieutenant-General Whitelocke on the 2d of July?

A. I never saw any such letter, nor know the contents of it, with an exception, which I must add, that on sending proposals into the town on the 3d, he had some paper in his hand, and he said he had authority from the Lieutenant-General; but whether the question alludes to that or not, it is impossible for me to say.

Q. Did the men of your brigade land with blankets and great coats, and did they bring with them both those articles within the suburbs of Buenos Ayres?

A. They did land with them, but on the march on the 1st of the month towards Reduction, before we arrived at

it, the men were ordered to throw away their blankets, much about the time that Major-General Gower told me he intended to cross the Chuello that night.

Q. And great coats?

A. No, only blankets.

Q. Did the men of your brigade fall back, or appear exhausted by their marches on the 29th and 30th of June?

A. On the 29th they certainly did latterly; on the 30th it was a very short march.

Q. What was the strength of the cavalry regiments per troop, that disembarked at Ensenada?

A. Do you mean mounted or dismounted?

Q. The whole.

A. The whole eight troops amounted to about 550 rank and file, mounted and dismounted. It is impossible for me to say, with respect to the whole of the cavalry, for the mounted were not then under my command. I can speak only of the dismounted of the 17th light dragoons, which consisted of 411 rank and file, or thereabouts.

Q. When you were ordered to head-quarters on the 4th of July to receive directions relative to the attack, did you consider yourself as called upon to give an opinion of the plan proposed to be adopted, or did you express your approbation of it?

A. I certainly never considered myself called upon, in any way whatever, to give an opinion of the plan, except, as I before stated, as to the time; nor did I give my approbation of it.

Q. How long were the horses on board ship, for what period were they provendered, and in what condition did they disembark?

A. Most of them were on board on the 2d and 3d of June, till the day of disembarkation, the 28th. They were originally provisioned for three weeks; but I was afterwards given to understand by the Quarter-Master-General, that the supply was increased. The last part of the question, with respect to the disembarkation, I cannot answer, because they were no longer under my command, and I saw very few of them.

Q. How long were they on board before the main body of the army embarked for Monte Video?

A. That is a question I cannot answer accurately: there appeared to be a general embarkation of commissariate stores, or other stores, or troops almost every day, but which I had no concern with. The troops I cannot speak to, they were not under my command, except the 17th dragoons and the 9th; they embarked first. I believe the 17th dragoons had embarked previous to the 8th; the whole of the dismounted, and the 8th dragoons, embarked soon afterwards. Sometimes the weather prevented their embarking more than a company in a day, and sometimes they embarked the stores in preference. Part of the day was employed in embarking troops, and part in embarking stores. The 9th light dragoons, I believe, did not embark till after the 14th.

Q. You have said that it was nearly dark when you joined Brigadier-General Craufurd's corps on the 2d of July.

A. It was completely dark.

Q. You have also stated, that your men were much exhausted during that day's march. Was your brigade in a condition, at the time of your junction, to have supported an attack upon the town, had it been made by Brigadier-General Craufurd's corps, or was there sufficient time for it?

A. It is impossible to say what further exertions the spirits of such men would have enabled them to make; but, at that time, they were completely exhausted in my opinion, and their assistance would have been very inefficient, having been marching for 10 or 12 hours without any food whatever. In my opinion, their assistance would have been very inefficient; for if the attack had been made, it must, of course, have been a night-attack.

*The witness withdrew.*

*Lieutenant-Colonel Evan Lloyd called in, and sworn.*

*The Abstract of the Charges read.*

*Judge Advocate.*—Q. Did you command the 17th

light dragoons in the expedition under Lieutenant-General Whitelocke?

A. On leaving Monte Video I commanded the 17th light dragoons.

Q. Will you state the effective strength of that regiment in men and horses, and in preparation for service, as to the articles of cavalry equipment?

A. On the 1st of May we had 224 mounted, and the remainder of the regiment dismounted. I cannot answer that very accurately.

Q. What was the remainder?

A. The whole strength of the regiment, rank and file, was about 595; there were about 224 in cantonments at Monte Video, at Connelans, and L'Espados; there were two troops at Connelans, and one at L'Espados.

Q. What was the state of their preparation for service as to articles of cavalry equipment?

A. Those that were mounted were in as good state, as to appointments, as they could possibly be, consistent with the nature of the service they were upon; and they were kept in repair. The remainder of the appointments were in store at Monte Video.

Q. Were there cavalry appointments for the whole of the regiment at Monte Video?

A. Completely.

Q. Was any part of the articles of equipment, belonging to your regiment, made away with at any time?

*Judge Advocate.*—Before I proceed in the examination of Lieutenant-Colonel Lloyd, I think it right to apprise the Court of a paper which is just put into my hand by Lieutenant-General Whitelocke.

*The paper read by the Judge Advocate.*

*Judge Advocate.*—That is undoubtedly a point for the Court to consider with respect to the destruction of stores provided at home for the purposes of the expedition, if it appears, in the judgement of the Court, that they have been improperly made away with, or that they have not been carried with the expedition, when they ought to have been carried with it. It is for the Court to consider, whether

it is, or not, a fact connected with the conduct of the expedition. It did appear to me, that the Court having decided that any circumstance connected with the conduct of Lieutenant-General Whitelocke, at Monte Video, in making preparations, or omitting to make preparations, for the expedition to Buenos Ayres, was connected, and came directly within the substance of the charges preferred. It is with that view that this evidence is brought forward to prove, that stores were not properly disposed of which were intended for the service of the expedition; what weight the Court may think fit to give to this circumstance is for their consideration: but the Court having decided that Lieutenant-General Whitelocke's conduct at Monte Video, and previous to it, is fit evidence to be received, I am at a loss to conceive how any fact respecting it can be excluded.

*The Court cleared.*

*The Court resumed.*

*President.*—The Court are unanimously of opinion, on referring to the charges, that this inquiry comes within them.

Q. *(Repeated).* Was any part of the articles of equipment, belonging to your regiment, made away with at any time?

A. There were.

Q. State how they came to be made away with.

A. By order of Brigadier-General Lumley.

Q. Can you state the amount of the articles so made away with?

A. Not exactly.

Q. State it with what accuracy you can.

A. There were ten sets of appointments, and a good many boots of each troop which I selected, that I thought the worst, such as there were not men effective for, that they might be sent to England to the Colonel of the regiment, or to be disposed of there; that was the order. I selected a proportion from every troop of the men who had died; those were to go to England for that purpose. The regiment having embarked, I had not time to dispose of them, and an officer was left in charge of them in the street.

There were a certain number of cloaks, boots, saddles, carbines, and other things, which were left behind at Monte Video, in consequence of not being allowed to take them, by order of General Lumley; and they were left in the street when we came away.

Q. Might they not have been left in store at Monte Video but for that order?

A. They might have been left in store at Monte Video. The only reason, I believe, why they were turned out was, that General Whitelocke had made an arrangement, that all these things should be sent to England or disposed of, that there should be no more baggage remaining with the army than for the effective men, and it was in consequence of this, that General Lumley gave us that order.

Q. We have understood from other witnesses that after, quitting Monte Video, the general superintendence of the cavalry devolved upon you?

A. Yes.

Q. State the effective strength of your regiment in men and horses, and cavalry equipment, on the 28th of June, upon your landing at Barragon, subsequent to your landing, not that which was on board, but that which was actually landed.

A. I do not think it is possible I can do it exactly, but I can tell you very near it. In the first instance, I received an order to send a captain and two subalterns, with a proportionate number of men, with General Gower, as he went on in advance.

Q. What I wish to know, is the effective strength of the regiment immediately upon landing.

A. There were embarked, two captains, seven subalterns, two quarter-masters, eight serjeants, two trumpets, 166 rank and file, and 187 horses mounted; two of the horses died before we got to Colonia on the passage, several were lost on disembarking, what number I cannot exactly tell; four dismounted troops, consisting of a field officer, three captains, nine subalterns, six quarter-masters, 30 serjeants, seven trumpets, and 411 rank and file. I think the whole of the dismounted disembarked on the 28th, and joined the rest of the army at Ensenada. Of

the mounted cavalry, on the next day, two troops were ordered to be dismounted, and their saddles sent back to the ships, and they were to put themselves under the direction of the commissariate, to carry provisions or sick, as the occasion required. The remainder of the mounted, about 30, I joined with at Barragon, upon the heights where General Whitelocke's column was.

Q. Were those 30 that you speak of, the whole of the cavalry with the army during the march from Ensenada to the heights?

A. No, there were 40 men with General Whitelocke; I was not with them. On the day after I came to Barragon, the 30th, I was ordered to remain upon a particular duty by General Whitelocke's order, superintending the getting provisions for his column, which was to march that day; the 17th light dragoons were ordered to remain with Colonel Mahon, and the 9th light dragoons to go on with the General; in consequence of which, I became part of Colonel Mahon's brigade. The whole of the dragoons went forward with Lieutenant-General Whitelocke and Major-General Gower, except the number of thirty that I had with me.

Q. Not being with the rest of the army, of course you cannot tell the amount of the cavalry with them.

A. No, I cannot: I saw no more of the rest, till 10 men, with an officer, were sent back with a dispatch from General Whitelocke.

Q. Can you recollect whether the ten dragoons arrived at Reduction with a dispatch from Lieutenant-General Whitelocke on the 2d or 3d?

A. I cannot positively say which.

Q. On what day did Colonel Mahon's brigade arrive at Reduction?

A. It was the 1st or the 2d, I am not positive which; I think it was the 1st.

*Cross-examined by General Whitelocke.*

Q. Was it not from the public storehouses that the stores belonging to the 17th light dragoons were ordered to be removed by Brigadier-General Lumley?

A. They were the casements belonging to the garrison; they were given to the 17th light dragoons by Sir Samuel Achmuty, for the purpose of their keeping their appointments, no private stores being to be had in Monte Video.

*Judge Advocate.*—I am desired to ask you, what became of those stores belonging to the 17th light dragoons, in consequence of that order; what proportion was destroyed?

A. I cannot exactly say, having no return; but I can get a return. There were a great many cloaks and caps, and so on. I do not think they were all destroyed; some of them the officers were under the necessity of taking with them. I picked the worst of the things of course.

Q. Had you not a return of the articles lost, and the articles sent back to England?

A. There were none sent to England; we had not time. These things were turned out of the store, and such things as we could not take with us, remained in the street; they were lost. We brought some back with us; I took them with me because I could not dispose of them: every officer did not leave them in the street.

Q. Those that were left in the street you never saw again.

A. No.

*General Whitelocke.*—Q. Was any return ever made at head-quarters of any loss of appointment, or application for indemnity?

A. Yes; I made an application to a Board of claims.

Adjourned.

## ELEVENTH DAY.

WEDNESDAY, FEBRUARY 10, 1808.

*Sir Samuel Achmuty called in, and sworn.*

*A paper containing the points, to which the witness was desired to direct his attention, was read by the Judge Advocate, and put into the hands of the witness.*

*The first and second charges read.*

*Judge Advocate.*—Be so good as begin your narrative from the period stated in that paper.

A. General Whitelocke landed unexpectedly at Monte Video, on the night of the 10th of May, and the next morning he requested that I would consult with General Gower on all measures relative to the military. Before I could communicate with General Gower, he had already assumed a command over the troops, and issued orders: from that day until the army was brigaded, a few days before the army was embarked for Buenos Ayres, I had no particular command or interference with the troops at head-quarters, except twice that the line was under arms, and I was requested by General Gower to take the command of the infantry. A few days after the General's arrival, I was requested by him to accompany General Gower, and examine all the ships in the harbour, and to select those which appeared fit for the navigation of the river. With this exception, I was not, to the best of my recollection, consulted, or employed, in any arrangements or equipment for taking the field. In civil matters and arrangements respecting the out-posts of the army, I was frequently, and at first generally, consulted: I was privy to many conversations at head-quarters, as to the practicability of carrying on operations at that advanced season of the year, as well as the most advisable place for the army to land. A landing above the town, it was evident, would be attended with the fewest difficulties; but it was

doubtful if the channel would permit our approach. The Assistant Quarter-Master-General had been dispatched, previous to the General's arrival, with proper naval officers, to examine the banks of the river, and on his return the Deputy-Quarter-Master-General was also sent up; and I understood from his report, that it was nearly impracticable to land above the town. I was also present at the examination of many persons who were acquainted with the country below the town. From what I could collect, it was very difficult, but not impracticable, to pass the morass, between the river and the heights, at any season; and the General assured me, that he could without any difficulty throw a bridge over the Chuello. From this I concluded, that he meant to land below the town; but I was not privy to his final determination. When the troops under General Craufurd arrived, I intimated to the General that I conceived that a mild, but firm, letter to the Governor of Buenos Ayres would be attended with good consequences; and I offered to carry it myself. The General approved of the idea, and requested me to make out the draft of one. He afterwards acquainted me that he approved of the letter, but thought it advisable to delay any summons until he appeared before the town. I was unacquainted with any further steps taken to induce the enemy, by negociation, to surrender the town. On the 17th of June, I embarked for Colonia, with the troops lately arrived from the Cape. I was to take the command there until the remainder of the troops came up; but I had no particular instructions respecting that post. Having a long passage, General Gower arrived there the same day; and when I waited upon him the next morning, the 25th of June, he was dismantling the works, intending to evacuate the place. This was effected the following day; and the troops there sailed to join the Admiral. The Admiral came to anchor that afternoon off Ensenada de Barragon; and orders were that evening issued for the light brigade and my brigade to land the next morning. Many of the ships with my brigade had not yet joined, nor was it possible to notify to them all the order I had received, or to prepare provisions. As the night was rainy, the disembarkation was not effected till the next morning, the 28th. The troops

landed with three days' provisions, dressed. My brigade consisted of the 5th, the 38th, and 87th regiments, about 2000 rank and file; the two latter inured to the climate and to the service, in high order, and with every necessary equipment for the field, except that, equally with the rest of the army, they landed, and marched without camp equipage, or camp-kettles. The 5th regiment had just arrived with General Craufurd, in high order and equipment. A strong brigade of artillery was to be attached to me, but it never joined me. Immediately on landing, the 38th and 87th regiments were detached from me, and I was left with the 5th at the battery near the landing place. No opposition was made to the landing, nor did I see any of the enemy. The next morning, the 29th, I marched with the General, and the main body of the army, to the heights, about five miles off, through a flat country, the greatest part of it under water, or a great part of it under water in places two and three feet deep, and intersected with very deep swamps. This march took us the greater part of the day, and the troops were much fatigued. The principal ustantia, the country-house, where we halted, was not abandoned; but what information the General gained there I am ignorant of. A few of the enemy's horse reconnoitred us in this position. The 38th and 87th regiments were left at this station, and again joined me. The line was ordered to march at nine o'clock in the morning of the 30th; but as Reduction was two long marches from us, and the men had but one day's provision in their knapsacks, if any remained after the severity of the march, frequently up to their middles in water, I observed to the General that I was more apprehensive of danger from want of provisions, than from the enemy: and afterwards upon his expressing some disappointment respecting the commissariate, and remarking, that he found he must be a Commissary, as well as a General, at one time, and a store-keeper at another, I took the liberty of saying to him, that if a General did not attend himself to the supply of his troops, they would often want provisions. Previous to our marching this day, a flock of sheep had been discovered, and brought into camp; but it was so late before they could be secured, that though the General de-

layed the march for the purpose, few of the men obtained more than one day's consumption of meat, many not so much; they carried it uncooked: and some biscuit, not equal to a day's consumption, was issued on the march. My brigade came to their ground at Roderigo's before sunset. I was sent between three and four miles in advance with the carabineers of the 9th dragoons, the 45th regiment, and part of the 95th: we arrived at our ground at dusk. The march this day, and the next, was, in general, upon rising ground, with a fine turf that intersected every two or three miles with swamps and creeks, some of them very difficult to pass, all of them deep for the troops to wade through, who were never dry during the march. Many horseman made their appearance this day, and at night there was some firing at my piquets. The next day, the first of my division was under arms at day-light, waiting for the rear; they arrived at eight o'clock: they were to have joined me much sooner than that; and we again marched. I had pressed the General to let me march without waiting for them, as the march was long; and I conceived, that both divisions would move with more ease, and come sooner to their ground, separated than when united: this the General would not permit, observing, that he wished to accustom the troops to march with regularity. The march this and the preceding day had been much impeded by frequent halts. We arrived at Reduction by dusk: most of the troops had meat issued to them in the course of the evening. We saw many of the enemy's horsemen in the course of the day; but the few houses we passed by, both yesterday and this day, as well as the village of Reduction, were abandoned. Parties were ordered to Quilmes, to bring up provisions and liquors, for the communication with the shipping was now restored; and butchers were sent early in the morning to prepare meat for the men. On returning from reconnoitring the next morning, the 2d, I waited upon the General, and expressed my hopes that he would rest the troops, at least that day, as they were nearly exhausted, and the advanced corps, from the numbers that were left at Reduction, appeared still more fatigued. The General replied, that it would depend upon the result of a letter from General

Gower; and soon after I was ordered to beat to arms, and leave the meat then ready to be cut in pieces on the ground. I again noticed to the General that the troops were without provisions: his reply was, "Don't you see it is "going to rain." As the troops did not march immediately, I still hoped the men might take some of the meat in their haversacks, but they were prevented from removing it, as I understood, by the General's orders: whether it was so or not I do not know. We were about to march to our right by the great road leading to the advanced corps; but immediately before we moved, I was informed, that the route was changed, and we marched from, our left about 10 o'clock. The first part of the march was good, but we afterwards got into low swampy ground, with a very difficult pass, and the men had to wade a long way in the water. Between two and three o'clock, immediately after leaving the swamp, the General sent for me to the front, and asked my opinion about proceeding: he observed, that his guide had deceived him; that the ford of the Chuello was still, by his account, many miles off; that there was no chance of reaching it before dark; that he had secured cattle for the troops, and where he then was, there was a sufficiency of firing to cook their meat. From this statement, and knowing that the troops were completely exhausted, I was decidedly of opinion we had better halt where we were. I must here observe, it was then near three o'clock, and the day closed at five. Plenty of meat, and half a day's bread, was issued to the troops. The troops were rather discontented this evening; and, at my suggestion, an order was issued by the General, encouraging them to do their duty cheerfully. In the interim, we heard the firing of the advanced corps, and the General appeared to be extremely uneasy at the awkward situation in which he was placed. He asked my opinion, whether I conceived General Gower sufficiently strong to resist the enemy. I answered, that unless he advanced into the town, I was persuaded there could be no danger, whatever numbers might oppose him. He appeared more satisfied with this remark, and observed, he had so high an opinion of General Gower, that he was persuaded he would not attempt the town without him. We marched

an hour before day-light, on the morning of the 3d. country we passed through was low, and at times py; a little more rain, it was raining then, and had part of the night, would have rendered it impassa- bout noon we came to a ford on the river Chuello; id not pass it. We soon came to a 2d, which we l, the ford was narrow; but deep in one place near et. Not long after, I imagine, between two and o'clock, we communicated with Major-General r. My brigade was ordered to take up a position with ht joining General Lumley's left, and extending s the Recollata. On approaching it I found that al. Lumley's brigade had retired, and the enemy's ops were advancing to it. I formed my brigade in r of the position and reconnoitred it; and when the on my right were prepared to regain their position, nced and occupied it. Some of the enemy's shot d the line as they advanced, both before and as we dvancing. As soon as the brigade was formed it rk, and the rain fell in torrents. The men were ed in houses, and received an allowance of biscuit me liquor. There was much firing during the night at t-posts, which I endeavoured to prevent, as, from the e made me, I had reason to believe that few if any enemy approached us: I speak of my own brigade. the next morning, the 4th, I found the enemy had und my left flank, and were in considerable num- s my rear. I removed the left wing of the 38th re- t, the regiment on my left, to the rear: after some the enemy retired. It was now near ten o'clock, dragoon informed me the General was waiting for head-quarters. On my arrival there the General in- t me that the principal officers of the army had been g for me about two hours. On investigation, it proved eneral Gower's Aid-de-Camp had been sent to me -light, but he never reached me; he had been taken er on the way. I found the Generals and Field rs in possession of a plan of attack which was to ried into execution at 12 o'clock. It was explained to Colonel Bourke, who had a plan of the town before I observed to the General, that the regiments of my

brigade were totally unacquainted with the intended attack, and I apprehended there would not be time to communicate it to them, and make the necessary arrangements for carrying it into execution. I also observed, having previously conversed with some of the principal officers, that mid-day was, in my opinion, an improper time to march through the streets of a populous city; and I conceived we should penetrate further without serious loss if the attack was deferred till day-light the next morning. The General mentioned this proposition to General Gower, the room being previously cleared of all the officers except the Generals and Colonel Pack; and General Gower acquiesced in the propriety of its being deferred till day-light the next morning. An officer was copying for me the general orders for the attack; but General Gower observed, that there was an alteration in them, and he would send me a correct copy in an hour: I received it in the course of the afternoon. I left head-quarters with the Deputy-Quarter-Master-General, who was to point out to me the heads of the streets the column of my brigade were to occupy the next morning. But intelligence being received that the enemy were coming out of the town in force, I repaired to my brigade, and soon after had orders to retire to the rear, in hopes of enticing the enemy to advance. We remained under arms the principal part of the day; and when the brigade re-occupied their ground, the Deputy-Quarter-Master-General pointed out to me the different streets through which the columns were to penetrate. I then explained to the field officers the routes of their columns, and gave directions for their being properly placed in time the next morning; and I desired them to send for the tools that had been ordered. By this time it was dark: and frequently during the night it was reported to me that attempts had been made to obtain the tools without success: a few from the houses I was in possession of.

*The narrative given by Sir Samuel Achmuty, read over to him.*

*Judge Advocate.*—I will thank you to state, what communication you made to General Whitelocke of the strength of the enemy, his means and disposition to re-

sist, upon General Whitelocke's arrival at Monte Video; and likewise whatever information you know General Whitelocke to have received, subsequent to his arrival, from other quarters, with regard to the strength of the enemy, his means and disposition to resist.

A. In my communications with the General immediately upon his arrival, I acquainted him that the inhabitants were so inimical to us, I could gain little information from Buenos Ayres, and that little was not to be depended on; that General Beresford had better means of information than it was in my power to obtain, and he had informed me, that the number of the regular troops the enemy possessed were few, and their General by no means a man of abilities; that they had a large body of men in arms, and a very powerful train of artillery. I was unacquainted with their intentions or plans for the defence of the town; nor am I acquainted with any particular information the General afterwards obtained. I must be understood to say, that this is the purport of what I said to the General; I do not recollect the exact words that I used.

Q. Having stated that upon the arrival of General Craufurd, you proposed to General Whitelocke to send a mild, but firm, letter to the Spanish Commander, which measure General Whitelocke approved, and desired you would send him a draft of the letter you proposed; have you kept a copy of that draft?

A. I have not.

Q. Will you state, then, the substance of the draft of that letter?

A. I could not recall it to my memory sufficient to state the substance; but I should suppose the General's secretary has the draft. I destroyed the letter before I went up to Buenos Ayres.

Q. You have stated that you went to Colonia, from Monte Video; do you know whether all the stores and horses were brought away from Colonia; if not, what stores and horses were left there?

A. I am totally unacquainted with every thing that was done at Colonia, except that the ordnance was destroyed, and thrown into the river, and the place evacuated.

Q. Why was Colonia at first chosen as the place of rendezvous, and afterwards abandoned?

A. I am not acquainted why.

Q. Would not the possession of Colonia have given a commanding influence over the left bank of the Plata, of great importance to the operations in which the army might be expected to engage after the surrender of Buenos Ayres?

A. Colonia was the only fortified post on the left bank of the river above Monte Video, and consequently must always have been of importance.

Q. You have stated that a strong brigade of artillery was to be attached to your brigade; can you tell why they did not join you?

A. I know not whether the General had any particular reasons for leaving it in the rear, but from the rapidity of our march, and the badness of the roads, it was hardly possible it could join.

Q. What artillery had you with your division?

A. I had none with my brigade?

Q. Can you tell how it happened that the main body of the army was in want of bread and spirits so early as the 29th?

A. The difficulty of bringing spirits across the swamp sufficiently accounted for our want of liquor. I have already given in evidence, that the troops marched on the 28th, with three days' provisions; though I apprehend most of the biscuit must have been destroyed in wading through the water on the 28th and 29th.

Q. Can you tell what became of the quantity of provisions landed at Ensenada for the use of the army?

A. I cannot tell; but I have already given in evidence, that on the 38th in the morning, there was some biscuit issued, though not, I believe, a day's consumption; and again on the 2d in the afternoon; the day we marched from Reduction, we had some biscuit issued.

Q. Is the Court to understand, that from the evening of the 30th to the 2d, there was no provision from the commissariate?

A. None that I recollect; except that some of the troops had meat issued to them at Reduction.

Q. I understood that that was meat from the country.

A. It was from the country; but it was issued by the commissariate.

Q. Can you state what supply of spirits was issued to the main body of the army, from the time of landing at Ensenada, during the march to Reduction?

A. My brigade received spirits either the 29th or 30th, I do not recollect which; at no other time. I cannot speak so particularly as to the spirits received by the men, as it was not of so much consequence as some other things.

Q. If there had been more mounted dragoons to have scoured the country, would not the country have afforded an ample supply of provisions for the army?

A. Most certainly, with the assistance of the natives of the country, who alone can catch the cattle.

Q. I believe it is understood, that the persons who are employed in catching cattle, are called Lassomen?

A. They are.

Q. Were any, and what number of, Lassomen accompanying the army for that purpose?

A. We had some Lassomen, but I am not acquainted whether they were with the main body of the army, or with the advance of the army.

Q. Do you know of any orders having been given, or precautions taken, by Lieutenant-General Whitelocke, upon this subject?

A. An order was issued on the 28th of June, forbidding the troops on any account to take provisions themselves, without paying for it, as arrangements had been made by the commissary. I recollect an order something of that kind. I have mentioned in my evidence, that when provisions were issued to the troops, I knew of no other arrangements.

Q. You have stated that some provisions were procured from the fleet at Point Quilmes. When the army arrived at Reduction, would there have been any difficulty in procuring such a supply from the fleet, as the necessities of the army required, by the same means of communication?

A. Provisions might certainly have been obtained for the army, but not without difficulty; for they must have been brought over a morass of about two miles.

Q. I think I understood you, that some provisions were obtained in this way.

A. I mentioned in my evidence, that parties had been sent to obtain provisions. I concluded that provisions were there, because parties had been sent for that purpose; but I cannot say positively that there were.

Q. Do you know, of your own knowledge, whether any provisions were obtained from the fleet at Point Quilmes, for the use of the army?

A. I conclude there were, as parties were sent to receive provisions.

Q. Do you know whether Lieutenant-General Whitelocke received any, and what, information at Reduction of the position and strength of the enemy on the Chuello?

A. I do not know.

Q. You have stated, that on returning from Recollata, on the morning of the 2d, you waited upon General Whitelocke, and expressed a hope that he would rest the troops at least that day, as they were nearly exhausted, and the advanced corps, from the numbers that were left behind at Reduction, appeared still more fatigued: that the General replied, it would depend upon the result of a letter from Major-General Gower, and that soon after you were ordered to beat to arms, and leave the meat, then ready to be cut in pieces, on the ground: that you again noticed to General Whitelocke, that the troops were without provisions, and his reply was, Do not you see it is going to rain? my question upon that is, can you state any more particulars upon the subject of the conversation you had with Lieutenant-General Whitelocke, previous to your march on the morning of the 2d?

A. I recollect no further particulars; nor do I believe any further conversation passed of any consequence: I am certain the conversation ended with the General's remark, Do not you see it is going to rain?

Q. At what hour was this?

A. I should imagine near nine o'clock, about nine.

Q. Did you know, before this conversation, that Lieutenant-General Whitelocke had dispatched any letter, or any order, to Major-General Gower?

A. I did not. The Court will recollect there were two

conversations passed between General Whitelocke and me; that in the first, I pressed the General to remain there during the day, and he said that would depend upon the result of a letter from General Gower: I was ordered to beat to arms, and then it was I told him the troops were without provisions.

Q. Did General Whitelocke make any, and what, observation on your remark upon the exhausted state of the main body of the army, and upon that of the advanced corps, which you judged of from the number that was left at Reduction?

A. I do not recollect any particular remark made by the General: the General probably might have made a remark, but I do not recollect any.

Q. You have said, that soon after Lieutenant-General Whitelocke had stated that his determination would depend upon a letter from General Gower, you were ordered to beat to arms: do you know, in the interval, if Lieutenant-General Whitelocke had received any letter from Major-General Gower?

A. I do not.

Q. I understand, from your evidence, that, upon the troops being ordered to beat to arms, you again saw General Whitelocke.

A. I did.

Q. You noticed to him the want of provisions of the main body, and his answer was, Do not you see it is going to rain? did he, or did he not, at that time, say any thing of any information he had received from Major-General Gower?

A. He did not.

Q. I believe it rained on the night of the 1st: what weather was it on the 2d of July, when you marched?

A. On the night of the 1st we had a few drops of rain, but very little; the 2d was very cloudy, and had much the appearance of heavy rain: it rained a little in the afternoon, and again at two o'clock in the morning of the 3d.

Q. You have stated, that the first order of the march was to the right by the great road leading to the advanced corps, but immediately before we moved, I was informed

that the route was changed, and we marched from our left about ten o'clock: can you state the reason of the change of the route?

A. I inquired of the Deputy-Quarter-Master-General the reason, and was informed by him, that the guide had promised to lead the General by a shorter and a better road to a ford rather above the Chico Ford.

Q. At the time when the army halted on the 2d, were you apprised of the operations in which the advanced corps of the army was to be engaged that day?

A. I understood that it was intended they should force the river if they could, either at the Chico Ford or above it.

Q. From whom did you receive that information?

A. I cannot say positively: it was generally understood so.

Q. Did you hear the Deputy-Quarter-Master-General inform Lieutenant-General Whitelocke, at the time when the question of halting was under consideration, that he knew Major-General Gower considered the order he had received as peremptory, and was determined to obey it?

A. I do not know the order alluded to.

Q. Did you hear the Quarter-Master-General, at the time referred to in the last question, say any thing of what he knew of the intentions of Major-General Gower?

A. To the best of my recollection, I did not.

Q. You have stated that, in your opinion, the halt was advisable from the exhausted state of the troops, and from the facility of procuring provisions at that spot; but, if an important service had been to be performed, would the situation of the troops have still been such as to make a halt unavoidable?

A. The spirit of the troops, I have no doubt, would have carried them through further difficulties; but, unless for very essential purposes, I do not think they could have marched much farther.

Q. What was the cause of the discontents amongst the troops which you have stated?

A. It originated principally from not getting wood with the facility which they wished, to cook their provisions.

Q. You have stated, that you were summoned to attend

head-quarters on the morning of the 4th: was that summons the first intimation you had of the plan of attack?

A. The first intimation I had of the plan of attack was after my arrival at head-quarters; perhaps I should say the first intimation I had of an intention of attack.

Q. Can you tell whether any, and what, measures were taken between the arrival of Lieutenant-General Whitelocke, on the 3d of July and the close of the 4th, towards ensuring the success of the attack upon the town, either by bringing up artillery or any other means?

A. I have given in evidence every thing I know on the subject.

Q. Would not the position of the Recollatas have secured the left flank of your brigade, and facilitated the operations of the army, and likewise opened a communication with the fleet?

A. I know not how far it would have been advisable to have detached a corps to the Recollatas: a communication certainly could not have been kept open, unless part of the line was removed more to the left.

Q. Would not the possession of the Recollatas, had it been thought advisable, have produced the advantages stated in the last question?

A. It would, if it had been supported.

Q. Was the station in which the Commander in Chief was to be found during the attack upon the 5th, notified in orders, or otherwise, to the Generals and other officers of the army?

A. It was not notified to me.

Q. Were the points of retreat, if retreat became necessary, notified in orders, or otherwise, to the Generals and other officers of the army?

A. They were not notified to me.

Q. Having heard the charges against Lieutenant-General Whitelocke read, have you any other information to give to the Court upon the subject of those charges down to the period of the close of the 4th of July?

A. I cannot call to mind any other information.

*Cross-examined by General Whitelocke.*

Q. Did you not give to Lieutenant-General Whitelocke,

upon his arrival at Monte Video, copies of the letters you had written to the Secretary of State; and, amongst others, those relating to the disposition of the inhabitants of the country, and the force necessary to conquer and keep it?

A. I did.

Q. Was your opinion, either upon the subject of the disposition of the inhabitants of the country, or the force necessary to conquer and keep the country, altered by any subsequent observation; and if it was, in what respect?

A. It remained unaltered.

Q. Was not every preparation made and arrangement completed, and horses and stores embarked, as far as it was practicable, on hearing that General Craufurd was in the river, in order that no time might be lost in crossing as soon as he joined?

A. Preparations were made, and stores and horses were embarked; but I have already mentioned to the Court how far I was consulted or employed in these preparations and arrangements.

Q. How long was Brigadier-General Craufurd detained by contrary winds in the river before he arrived at Monte Video?

A. We heard of Admiral Murray's arrival in the river, on the 30th of May; he came to anchor at Monte Video on the 14th of June.

Q. Considering the state of the troops, and the circumstance of their being unavoidably wet every day in crossing the swamps, did the convenience of fuel appear to you to be necessary?

A. For cooking, absolutely necessary; for drying the men, most desirable.

Q. Could the men have found any other places for halting at which fuel could have been procured, except from the farm houses; and were not the marches and halts, in some measure, regulated by their situation?

A. Fuel could only be procured at the farm houses; the marches and halts appeared to me to be regulated by their situation.

Q. Could we have procured those conveniences if the army had marched in parallel columns?

A. I saw few or no houses on our left flank, the only

ne in which the column could have marched: on our right lank there was a swamp.

Q. Could we, considering all the circumstances and ature of the ground and state of the troops, have marched with greater rapidity, or have arrived sooner, without listressing the men?

A. I do not think the troops could have marched to Reduction sooner than they did, without distressing the men: they might, perhaps, have come sooner to their ground on each day's march, if the army had not been frequently halted.

Q. Had I not frequently expressed apprehensions as to the rain setting in, and my anxiety to get to the vicinity of the town, to put the men under cover there?

A. The General frequently expressed apprehensions as to the rains setting in; and I have no doubt he expressed also his anxiety to get them under cover near the town, though I cannot recollect that.

Q. If a strong wish to reach the vicinity of Buenos Ayres had not induced me to press forward, could not the commissariate have found a sufficient means of supplying the army from the cattle taken in the country?

A. There is no doubt that cattle might have been had in abundance, with proper precautions.

Q. As soon as we had taken Buenos Ayres, could we not immediately have re-occupied Colonia?

A. Most certainly.

Q. Would it have been advisable to have diminished the strength of the army by leaving any large body of men in order to maintain Colonia, while we attacked Buenos Ayres; and would it have been safe to leave a small detachment there?

A. Colonia, from its situation and defences, did not require a large body to be left there at that time.

*Re-examined by the Judge Advocate.*

Q. In answer to a question put by Lieutenant-General Whitelocke, you have said you did not think the army could have reached Reduction sooner than they did: upon that, I would ask, were the regiments composing

your brigade, namely, the 5th, 38th, and 87th, which you have stated to have been inured to the climate, in better marching order than the 36th and 88th, composing the advanced corps, which had been confined for eight or nine months on board transports?

A. The 38th and 87th regiments marched better than the 36th and 88th, the other part of my brigade: and when, in my evidence, I observed that the troops could not march to Reduction sooner without fatiguing them, I wish the Court to understand, I do not mean to say that the 38th, 40th, and 87th, and part of the 95th, and 17th dragoons, would not have marched themselves to Reduction sooner.

Q. The question is, whether, under the circumstances of the main body and of the advanced corps, the main body could not have advanced more rapidly than the advanced corps?

A. If you wish me to answer whether the 38th and 87th would not have marched better than the 36th and 88th, I certainly think they would.

Q. Then if the advanced corps, consisting of the 36th and 88th, were able, on the 2d, to march from their position in advance of Reduction, to cross the river Chuello, and take post on the Miserere, might not the whole, or the larger proportion of your brigade, have marched as far from Reduction, if the line of march of the advanced corps had been followed, and the river passed at the same ford?

A. Part of my brigade, I have no doubt, might have marched further; the whole of it certainly might march as far.

*Examined by the Court.*

*General Sir John Moore.*—By your evidence it appears that, in the march of the army towards Buenos Ayres, the troops were kept long under arms, were daily fatigued and exhausted, had no regular issue of provisions, but yet they were four days in marching 30 miles; all the consequences of a forced and rapid march seem to have attended this movement of the army, except that of getting quickly forward: in your opinion, might not a pre-

vious arrangement have been made, which would have enabled the army which landed on the 28th of June, to have advanced from the heights of Barragon at day-light on the morning of the 30th, and to have reached, in two marches, without serious inconvenience to the troops, the point of Reduction on the 1st of July?

A. I have no doubt but that arrangements might have been made which would have enabled the troops to march from the heights above Barragon on the 30th of June, and that they might have reached Reduction on the 1st of July; but I am very doubtful whether the cannon, which was necessary with the troops, could have been brought forward so soon. The guns came up on the 2d; and they were so long in getting over the swamp between the Ensenada de Barragon and the heights, that I have great doubts whether they could have been ready to march on the 30th.

Q. In that case, might not the river have been reconnoitred in the course of that day, and a disposition made for passing it on the 2d, and advancing to the suburbs of Buenos Ayres?

A. If the whole army had marched from the Ensenada de Barragon on the 30th, it would have taken the whole of the 30th and the 1st to have reached Reduction; consequently the river could not have been reconnoitred on the 2d, nor could their guns have been up: I am supposing now that the whole army had marched. If the advanced corps had marched on the 29th, I have no doubt they might have reached Reduction on the 1st, early enough to have reconnoitred the river on the 1st; and the army might have been in readiness to have marched from thence on the 2d, but not with the principal part of their artillery.

Q. What proportion of artillery had the main body with them upon their march from the heights to Buenos Ayres?

A. I cannot positively answer that question: at first I saw no guns, afterwards there was one or two, or perhaps more guns, with the advanced part of the main body.

Q. Was the main proportion of the artillery belonging

to the army, left behind with Colonel Mahon at Reduction, or did it accompany the army on the 2d?

A. It did not accompany the army on the 2d.

Q. Did the inconveniences that you have stated on the march, arise from necessity, or from the nature of the arrangements?

A. Much inconvenience was undoubtedly experienced from the nature of the country they marched through, and other inconveniences were also experienced on the march for want of regular provisions.

Adjourned.

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## TWELFTH DAY.

THURSDAY, FEBRUARY 11, 1808.

*Sir Samuel Achmuty called in agian.*

*Judge Advocate.* - It may perhaps be necessary to read over to Sir Samuel Achmuty the questions put to him by the Court yesterday, and the answers that he gave.

*That part of the evidence of Sir Samuel Achmuty was read.*

*Judge Advocate.*—The last answer of Sir Samuel Achmuty, I think, was hardly an answer to the question put. The question was, "Did the inconveniences on the march "arise from necessity, or from the nature of the arrange-"ments?" The answer is, that "There were external "causes which did produce that inconvenience;" but whether all arose from those causes, he has not stated.

A. And from the want of regular provisions, and from the frequent halts, for which I did not see any necessity, which brought the men so late to their ground, that they could not cook their provisions.

Q. Is there any particular rainy season in that part of South America in which you served; or does it rain at short intervals for a few days, during the whole year in that climate?

A. It rains at intervals thoughout the year. In the winter, I understand, the intervals are shorter, and the rains of longer duration.

Q. What was the state of the road from Monte Video to Colonia; were there any, and what, obstacles to the marching a body of cavalry or infantry, or both, from Monte Video to Colonia, and what would have been the distance of such march?

A. There are many difficult rivers between the two places, and at that season of the year I should have thought it quite impracticable for the army to have marched; the distance, I believe, is about 130 miles; a detachment might certainly at times have marched, but if heavy rains had fallen, they were very liable to be shut up between the rivers much earlier in the year. I had an instance of that: I sent General Lumley up to San Josef, and if he had stayed one day longer, he would have been shut up for a fortnight.

Q. What proportion of the cavalry was mounted, and of what regiments did the mounted part consist, when General Whitelocke took the command?

A. At Monte Video and its dependent posts, part of the 17th dragoons were mounted; in general, they had nearly about 400 men mounted, but they varied every day, as there was a depôt for grazing horses close to Monte Video; those that were tired were sent to the depôt, and fresh ones brought: I should suppose, in general, about 400: at Colonia, there were about 100 mounted of the 9th. I must observe to the Court, that at that time I had not a sufficiency of grain to give the horses; of course they were obliged to live upon grass, and to be sent out when tired; nearly about 1000 horses altogether, but few in any kind of order; there were about 400 horses fit for service when I gave up the command. There were perhaps, besides those, about 1000 horses in the King's land: as the horses were tired, they were exchanged.

Q. If a movement in force had been made from Monte Video to Colonia, in the month of May or the beginning of June, would it not have furnished the means of supplying the army with the best horses?

A. There were very few good horses left in that part of the country. When General Liniers crossed the river, in order to relieve Monte Video, his march was delayed for want of horses; otherwise he would have been at Monte Video before I could have assaulted it.

Q. Having mentioned the frequency of the halts in the course of the march, can you account for them?

A. I cannot: my station was generally in the rear; they were very seldom occasioned by the rear being at any distance from the main body. It is to be understood that there were frequent halts necessary in passing the defiles; those I do not advert to.

Q. When the main body halted on the 2d of July, would it have been possible, in their then situation, to have given support to the advanced corps in case of need?

A. When I gave my opinion that it was advisable to halt, I was fully pursuaded in my own mind, that we could not support the advanced corps.

*Lord Lake.*—Q. When the firing on the 2d was heard, did Lieutenant-General Whitelocke take any measures to find out from whence it proceeded, or to ascertain the situation of the advanced corps under Major-General Gower?

A. I do not know that he did.

Q. Do you know the reason for Colonel Mahon's being ordered to halt at Reduction?

A. I recollect hearing the General say, it would be advisable to halt Colonel Mahon, till we found out where we were ourselves.

Q. Could not the artillery and the troops with Colonel Mahon, which arrived at Reduction on the 2d of July, have been brought up with the main body of the army by the evening of the 4th?

A. They certainly might have marched from Reduction to the suburbs of Buenos Ayres in two days, if the bridge had been evacuated in one day.

Q. Were any attempts made to reconnoitre the bridge after the arrival of Lieutenant-General Whitelocke at the Miserere?

A. I cannot say.

Q. Was your opinion asked, or did you give any, of the plan of attack upon the town?

A. My opinion was not asked, nor did I give any, except as to the time.

Q. When did you suppose the bridge to have been evacuated?

A. I am quite ignorant.

Q. Whether the state of the enemy, or the situation of the army, was such on the 4th of July as rendered the attack on the town the following day absolutely necessary by a coup de main?

A. Not being consulted on the equipments of the army, I know not what was the general resource; but certainly by moving to the left, a communication might have been opened with the shipping above the town.

Q. Was the enemy in such force without the town as to make it necessary to attack the town by a coup de main?

A. Not that I know of.

Q. Do you know whether the Commander of the forces ever reconnoitred the town after his arrival at Miserere on the 3d, and previous to the attack?

A. I do not know.

Q. Do you know any reason why the main body of the army should not have pursued the same route on the 2d, which the advanced corps under Major-General Gower had taken, at least so far on the high road leading from Reduction to Buenos Ayres, or that part where the Major-General had quitted the high road to make for the Chico Pass over the Chuello?

A. I have already stated in my evidence, the only reason that I heard assigned was, that a guide had undertaken to conduct the army by a shorter route.

Q. Having said that in your opinion Major-General Gower's corps had nothing to apprehend from the enemy without the town of Buenos Ayres; do you believe that if the Major-General, after crossing the Chuello at the Chico Pass, had made directly for the bridge, that he would have found much difficulty in dislodging the enemy posted to defend the pass of it, had the enemy waited his approach;

and would not the retreat of the enemy have opened a free passage for the main army?

A. I am not acquainted with the face of the country between the Chico Pass and the bridge, or the extent of the suburbs of Buenos Ayres on that side. If the country had been open, the Major-General could certainly have advanced to the bridge, and the main body might have passed; but there was a great risk of its bringing on a general action between the advanced corps and the enemy.

Q. If by moving to the left a communication might have been opened to the fleet above the town, and, in consequence, a supply of provisions procured; could there then, in your opinion, have been any necessity existing for attacking the town by a coup de main?

A. There certainly could have been no immediate necessity, if a supply of stores and provisions could have been obtained from the ships.

Q. Had Lieutenant-General Whitelocke proceeded on the high road to the bridge, would he not have been able to have supported the advanced corps in case the attack of General Gower had brought on a general action?

A. I am not sufficiently acquainted with the country to answer that question.

*The witness withdrew.*

*Captain Augustus Frazer called in, and sworn.*

*The abstract of the charges read.*

*Judge Advocate.*—Q. Had you the command of the artillery employed in the expedition against Buenos Ayres?

A. I had the honour to command the artillery.

Q. State the number and calibre of the ordnance embarked at Monte Video for the use of the expedition.

A. There were embarked for that service 28 pieces, of which three were English iron 24-pounders, three medium-brass 12-pounders, eight 6-pounders, five Spanish 4-pounders, two St. Helena 3-pounders, two Spanish brass 12-inch

ars, five 5½-inch English brass howitzers; which s, as above stated, a total of 28.

. What number of horses were embarked at Monte o for the transport of ordnance and stores?

There were embarked for that service 170 horses 36 mules.

. Was all, or what proportion of ordnance which you stated landed at Ensenada?

Sixteen field pieces were landed at Ensenada.

. Can you state the description of those field-pieces were landed?

It may perhaps be explanatory to state that of the ieces of ordnance which were embarked at Monte o for the service against Buenos Ayres, 18 field-pieces intended to have been landed, as three brigades of ery in the field; the remaining number of pieces hav- een intended as a reserve of artillery. From accidents nding horses, and other local obstacles, I judged it to r the good of the service to direct that two 5½-inch zers, together with the ammunition-carriages for the , should not be landed.

I want to know why only 16 field-pieces were landed, f what description they were.

Eighteen were intended to be landed, 16 only were d. The reason why the 18 were not landed, was, that was a want of physical strength in the horses to move 8; therefore, in order to be able to move the 16 with inty, I wished that the other two should not be landed. particular description of the 16 which were landed, eight English 6-pounders, two St. Helena 3-pounders, 5½-inch howitzer, five Spanish 4-pounders, mak- a total of 16.—Eight carriages for ammunition for pieces, and eight carriages for small-arm ammuni- for the army, were also debarked at Ensenada; 200 ls of ammunition for each piece of ordnance were also rked; 2,671,000 musket-ball cartridges, 20,000 cara- ball cartridges were embarked; the materials for mak- 00,000 musket-ball cartridges were also embarked; 0 rounds of rifle-ball ammunition, exclusive of 350 s per man, then in possession of the 95th regiment, r the command of Major Macleod, and 900,000

musket-ball cartridges with the detachment at Colonia, were also embarked.

Q. Can you accurately turn both to the whole number of the stores embarked, and also that proportion of stores that were landed at Ensenada?

A. Returns of that specific nature were given, first upon the embassy of his Excellency General Whitelocke on the 20th June, and subsequently to the Adjutant-General on the 8th of August; the one being the embarkation return, the other the disembarkation to Ensenada.

*Judge Advocate.*—Then I submit to the Court whether it is necessary for the witness to go through the whole of the articles, inasmuch as he has in his hand the returns themselves; I submit they are decidedly evidence that will satisfy the Court upon the subject.

*The returns were delivered in.*

Q. What proportion of the whole number of horses and mules embarked for the expedition were landed at Ensenada?

A. From the circumstances of the debarkation, it is not practicable for me to state precisely what the number of horses and mules landed were.

Q. State as accurately as your memory will enable you.

A. I apprehend very little short of 200. It may not be improper to state, in further explanation, that such guns and carriages as are, in the common routine of the service, drawn by four horses, and that with men also on them, were intended, without men, to have been horsed by six horses each; and this arrangement was made, foreseeing the unusual obstacles and difficulties we had to expect.

Q. Will you state the circumstances of the landing and of the march through the marsh to the heights of Barragon, as far as affects that part of the expedition of which you had the command?

A. The debarkation of the army, and of the first pieces of artillery, was soon after day-break on the morning of the 28th of June, 1807; those were two 3-pounders, assisted by seamen, of whom 200 were furnished for the general service of the artillery; 400 seamen had been expected, but, by an arrangement with Admiral Murray a

day or two previous to the debarkation, 200 were furnished: these two field-pieces were carried through the swamp and advanced to the ustantia, on the heights over that swamp, in the course of the 28th. Four 6-pounders, forming the remainder of the leading brigade of artillery, were carried through the swamp in the course of the following day; the remainder of the 16 field-pieces were not carried through till the 30th. I had myself got across the swamp, on the evening of the 29th of June, two 6-pounders, with which I was assisted by nearly 300 of the 38th infantry, without whose exertions we should not have been able to have got the field-pieces through.

Q. Were any pieces of ordnance lost in the marsh?

A. Five Spanish 4-pounders were, by my orders, destroyed.

Q. State the reason for your giving that order?

A. On reflecting, after having crossed the swamp on the 29th of June, which swamp was one mile and three quarters in breadth, and was in many places so deep that the men could with extreme difficulty stand, and in which the assistance of horses was nearly useless; considering also that many horses had been lost, and fearing that many more would be lost, in being debarked; and further, recollecting that it was essentially requisite that the men and horses who should get across should be unexhausted with fatigue, I judged it to be decidedly for the benefit of the service to sacrifice some of the least efficient passes, to apply their strength in men and horses to the service of the remainder.

Q. Do you know whether the whole of the remainder of the artillery that was landed crossed the swamp, or whether any other portion was lost than that you have stated?

A. The whole of the remainder of the artillery were carried through the swamp, and no other artillery carriage whatever was lost.

Q. You have stated that some horses were lost in crossing the swamp; can you tell the number that remained, after you arrived at the heights, for the use of the ordnance?

A. I am not aware that any was lost in crossing the swamp.

Q. Were any rendered unserviceable?

A. I do not know that any were rendered unserviceable with the guns where I was; I have heard that others were: but, being always with the brigade in advance, I am not competent to say, further than from report, what number of horses were lost.

Q. What officers belonging to the artillery accompanied the passing of the remainder of the ordnance through the marsh?

A. Captain Hawker, of the artillery, the next senior to myself, whose orders for the passage of the swamp and the destruction of the guns were sent, and were most precise from me, admitting no exercise of his own judgement.

Q. With what division of the army did you advance from the heights?

A. With the leading advanced corps of the army.

Q. What proportion of artillery accompanied the advanced corps?

A. On the 30th of June six field-pieces, which had then been reinforced by an officer, 55 artillery men and 30 additional horses of those 16 pieces, two, by order of his Excellency General Whitelocke, remained, on the 1st of July, the main body of the army.

Q. Was the number of horses sufficient to transport those six pieces of artillery and the ammunition belonging to to them, or how were they conveyed?

A. There was such an extraordinary and unusual strength, both in men and horses, for those 16 pieces with their attendant carriages, and carriages for the small-arm ammunition, as was sufficient, and more than sufficient, to overcome every obstacle.

Q. Can you tell the whole number of horses so employed? I am now speaking of the six field-pieces which you accompanied.

A. Upwards of 100 horses.

Q. What number of carriages of small-arm ammunition attended those 6-pounders, and what quantity of small-arm ammunition did they contain?

A. There were three; two carriages for musket-ball cartridges, and one for the 95th regiment. There were about 10 or 11,000 rounds in each, and with every two field-pieces there was one ammunition carriage for the service of those field-pieces; making, in all, 12 carriages.

Q. Can you tell what was the number of carriages for small-arm ammunition which you left behind, when you marched from the heights of Barragon, to accompany the remaining 10 pieces of artillery?

A. The total number of guns and ammunition-carriages of all descriptions, landed at Ensenada, were 32; of these 32, seven were destroyed, and 12 were attached to the leading brigade: there remains therefore 13.

Q. Will you state the orders which you from time to time received from General Whitelocke for the regulation of your conduct, and the distribution of the corps under your command, during the march from Ensenada to Buenos Ayres, till the close of the 4th of July?

A. I saw his Excellency General Whitelocke immediately after the debarkation at Ensenada; his orders had been before that time issued for the immediate advance of two field-pieces with the advanced corps. I saw his Excellency after it was quite dark on the evening of the 28th, in the village of Barragon. I had a very earnest conversation with General Whitelocke there, about the artillery being carried through the swamp; and I assured Lieutenant-General Whitelocke that I would be responsible, that on the following day the field-pieces should go across the swamp, unless it was totally impassable. I had no further conversation, nor did I see General Whitelocke again till it was nearly dark on the following evening, when I had crossed the swamp with the last of the six field-pieces. General Whitelocke was then at the first ustantia over the swamp; he ordered me to proceed to an advanced ustantia, probably a mile and a half on, and I there joined the troops at that time under the command of Colonel Mahon. On the following morning, the morning of the 30th, I saw General Whitelocke at this advanced ustantia, and he ordered me to move forward with the four field-pieces which were then there, further in advance to where the advanced corps

of the army was; ordering further, that I should take, for the protection of the artillery, a company of the 95th. I advanced in obedience to this order, and halted that evening at the ustantia, at which the advanced corps remained; before the usual arrangement of parting the guns had been completed, it was evening. I saw General Whitelocke on the morning of the 1st of July, and received his permission to accompany the advanced corps under Major-General Gower to the passage of the Chuello, after the separation of the main body from the advanced corps on the 1st of July. I had no conversation, nor did I see General Whitelocke till the afternoon of the 3d of July, at the Coralles de Miserere. I had at that time no precise orders from his Excellency, but I was ordered on the morning of the 4th of July to advance with two field-pieces into the city of Buenos Ayres; to advance cautiously, and to feel my way; not to advance too far; and to bring word myself to his Excellency how affairs stood at the out-posts. I had no other orders from General Whitelocke during the course of that day; all the arrangements of what had taken place at the out-posts, of advance and drawing in at times the different pieces, had been regularly reported to him, but no orders.

Q. What were the arrangements made in regard to the artillery under your immediate direction, previous to, and preparatory to, the attack of the 5th of July?

Those pieces of artillery which had been taken from the enemy on the evening of the 2d of July, were early on the morning of the 3d so placed in positions as to command an open space in front of the Coralles de Miserere, and to command especially the roads leading from the fort, and the grand square of Buenos Ayres. With respect to the field-pieces, sometimes two and at other times four of them were at the out-posts; there were further at the Coralles de Miserere a disposable force of 60 artillerymen. In the general orders for the attack of Buenos Ayres on the 5th of July, the particular number of field-pieces, and the station of each was prescribed: it became therefore my duty to see that those orders were carried into execution.

Q. State the distribution of the field-pieces on the morning of the 2d July, when the army took different routes.

A. Four field-pieces were with the advanced corps of the army; two field-pieces, as I have before stated, were with the main body: the remainder, as I have learned since, were with the rear division of the army.

Q. Were any pontoons embarked with the army at Monte Video; and, if any, what number?

A. Six pontoons, with a complete establishment in every respect, had been constructed by order of his Excellency General Whitelocke. They were constructed and embarked under my superintendence; but previous to sailing, were transferred to the department of the Commanding Engineer.

Q. Do you know whether those pontoons were ever disembarked till the return of the army to Monte Video?

A. I saw one, and I believe two, landed at Ensenada; but they were again embarked.

Q. Do you know for what reason they were again embarked?

A. I presume that it was because, from the local situation of the place, they would not have been of service.

Q. By the place, do you mean Ensenada?

A. Ensenada or Harbour, the term means harbour.

Q. Do you state that as a reason why they should not have accompanied the march of the army to Buenos Ayres?

A. I mean to state, that it is my opinion, as a military officer, that locality prevented their being of service: I thought so at the moment, and therefore I presumed it was that which actuated the conduct of others.

Q. Was not the object of constructing those pontoons to assist the army in crossing the river?

A. Certainly it is the avowed object of constructing all pontoons.

Q. Could they then have answered that object if they were not disembarked, to accompany the army in its march?

A. Evidently they could not have answered that inten-

tion without being disembarked; but I had an idea that they would have been debarked at some other point, where they would have been of great use. It may be explanatory to state that there were no horses embarked for those pontoons.

Q. Were the operations of the army and its movements at any time necessarily delayed by waiting the arrival of the artillery?

A. After the artillery had got over the swamp, the leading brigade was so far from requiring any assistance from the army, that they were fully adequate to overcome any obstacles from their own resources. It has also been reported to me by Captain Hawker, commanding the artillery with the rear division of the army, that that column was never impeded or delayed by the artillery; so far from it, that the sick and occasionally wounded men were brought forward by the artillery. I must further observe, that at the passage of the Chuello, where some delay in transporting the guns and ammunition was, to a degree, unavoidable, two field-pieces alone followed the column, at the head of which we had at that time invariably been; the remaining two also followed the column under the protection of two companies of infantry, under the command of Lieutenant-Colonel Durrock, of the 36th regiment: these two companies, with two field-pieces, from the darkness and badness of the road, lost their way, and passed that night in the suburbs of Buenos Ayres, and not with the advanced corps.

Q. Was any, and what part, of the artillery engaged with the enemy previous to its arrival at the Coral; and did any of the operations of the army previous to that period depend or turn upon the support to be derived from the artillery?

A. On the 1st of July a few shot were fired from one field-piece at a body of irregular horsemen, near the village of Reduction, and on the 2d of July some rounds were fired from three field-pieces, at an irregular body of horsemen, in the plain between the Masiel and the Chuello; however, both from the nature of the country, and the enemy with whom we had to contend, the opera-

tions of the army, from the Ensenada de Barragon to the Coral de Miserere, did in no way depend upon the support to be derived from the artillery.

*Cross-examined by General Whitelocke.*

Q. Was not every disposition shown to furnish you with all the assistance you required in bringing forward the artillery, which your situation and circumstances would allow?

A. Every assistance was shown, and every attention, in the most extended meaning of the word, was shown.

Q. Were the difficulties to be encountered in passing the swamp with artillery such as commonly occur, or of a peculiar and unusual description?

A. They were exceedingly unusual: it is hardly possible to conceive a swamp which would oppose an obstacle more difficult to be overcome to the passage of a carriage upon wheels.

Q. Had any intelligence, which to your knowledge we had received, led us to suppose that we should have such difficulties to encounter?

A. I certainly understood, both from the dispatches of General Beresford, and from general information, that there was a swamp which ran parallel to the right bank of the Plata, but had no idea of its being to the extent which we afterwards found it. Very considerable preparations however had been made, with General Whitelocke's directions, to enable the artillery to get across the swamp; these preparations, which consisted of wooden and portable bridges, were however found of very little utility.

*Examined by the Court.*

Q. You have stated that you were ordered into the town of Buenos Ayres on the 4th of July, with two field-pieces, to feel your way, and return, and report in person the situation of affairs; was any force ordered to support you, or had you any post pointed out to you for you to fall back upon in the event of being vigorously attacked by the enemy.

A. I understood in general that I should, of course, be

supported by the troops at the out-posts, as was usual. I went forward under that idea, and I was supported by the 95th, whom I saw there. We did advance in the cautious, usual way of troops feeling their way, and feeling the force of the enemy. There was no particular feature; we had some scattered firing; and I individually returned, and reported to General Whitelocke.

*General Garth.*—Q. What was the calibre of the Spanish guns taken by Brigadier-General Craufurd on the 2d of July, or was there any, and what quantity of, ammunition taken at the same time? I believe you have the return.

A. Yes, I have.

Q. Be so good as read it.—*(Reads the return.)*

Q. Had you at any time any conversation with Lieutenant-General Whitelocke, upon the subject of holding communication with the second in command, Major-General Gower? and if you had, state what it was.

A. On the morning of the 1st of July, I returned from the advanced corps under the command of Major-General Gower, to report myself to General Whitelocke, from whom I had been then absent nearly 24 hours. On reporting where I had been, General Whitelocke seemed not pleased that I had been so long absent from him; he also expressed himself to me not pleased at Captain Squire of the engineers, as well as myself, having been also absent from him. I observed to his Excellency that I had advanced with the guns by his express direction on the morning of the preceding day; that it was nearly dark before we arrived at the position we took on that day; but that had we been able to have found our way, we should have returned to his Excellency in the course of that evening. I added, that I should not again leave his Excellency's person, without his express permission. I understood that his Excellency was dissatisfied with my having been with Major-General Gower. On the afternoon of the 4th of July, General Whitelocke again expressed himself displeased at my having been separated from him, and seeming to be too much attached to the person of Major-General Gower; and added a strict injunction that I should not leave his side during the course of the following day. I felt it my duty to

communicate to Major-General Gower that I had received such intimation from General Whitelocke.

*The witness withdrew.*

*Colonel Mahon called in and sworn.*

*An abstract of the first and second charges read.*

*Judge Advocate.*—I believe you were the commanding officer of the 9th light dragoons.

A. At present I am; but upon that occasion I was not so: I was employed as Colonel of the staff; I had not the command of the regiment.

Q. Had you the command of the 9th light dragoons when they were at Monte Video?

A. At Monte Video I had certainly some part of them. Upon the arrangement made for going up the river, I was appointed in orders as Colonel and Commander of the brigade, in which instance the 9th light dragoons formed a part of the brigade; but having gone up the river, I was not always with them.

Q. Do you remember a general order being issued for lessening the baggage of the army?

A. Yes, I do remember it.

Q. In consequence of that order, was any, and what, part of the horse equipment belonging to your regiment made away with, or disposed of?

A. I beg leave to explain to the Court, that at the time of the coming out of that order, I was in orders as a Colonel of a brigade, and that the commanding officer of the regiment, Lieutenant-Colonel Witherington, and Major Ord, inspected that part of the horse appointments which appeared to be not immediately fit for service, and cast off what they considered to be so; but what the precise quantity was, I cannot pretend to say: but I believe there is a return of them in the possession of the regiment.

Q. Upon the landing at Ensenada, what part of the army had you under your command?

A. The brigade in orders were 4 troops of carabineers, the 9th light dragoons, the 40th regiment, and the 45th regiment of infantry, with the exception of the light company.

Q. Did you continue the command of that brigade during the whole of the march from the Ensenada to Buenos Ayres?

A. No.

Q. At what time, and what was the alteration made in the brigade you commanded?

A. Having passed the swamps, and having taken up the ground on which I understood the light brigade had been stationed on the night of the 28th, the head-quarters of the Commander in Chief were on the left of the line; on the 29th with Sir Samuel Achmuty's command, and on the morning of the 29th, Sir Samuel's column moved, and was accompanied by the Commander in Chief, who mentioned his intention of taking forward some of the troops of my brigade, and leaving me in the command of the dismounted, and a few mounted 17th light dragoons, and four companies of the 40th regiment, for the purpose of waiting for Major Campbell, who was in command of the rear guard, protecting the guns against the morass.

Adjourned.

## THIRTEENTH DAY.

FRIDAY, FEBRUARY 12, 1808.

*The Honourable Colonel Thomas Mahon called in again. Examined by the Judge Advocate.*

Q. When you moved from the heights, what force had you under your command?

A. In addition to the force I have already mentioned, Major-General Campbell, with, I believe, about four companies of the 40th, and Captains Rowley and Joyce of the royal navy, with about 200 seamen, composed the entire, together with the artillery, which consisted, I believe, of four six-pounders and two howitzers, under Captain Hawker.

Q. Was any alteration made in the force you commanded from the time you left the heights till your arrival at Reduction?

A. None.

Q. When did you leave Reduction?

A. On the evening of the 2d of July.

Q. In the interval between General Whitelocke marching forward with the main body, and the time of your ar-

rival at Reduction, did you receive any orders from him; and, if you did, what were they?

A. I did receive orders by an officer of the 17th light dragoons with a mounted party, which had been sent from the Commander in Chief's column, previous to my arrival at Reduction, within a mile of it, and these are the orders (producing them).—*(It was read).*

July 2d, 1807, ¼ past three o'clock, P.M.

Sir,

Notwithstanding the orders communicated to you in my note of this morning, I am directed by the Commander of the forces to desire that you will remain at Reduction until further orders are forwarded to you. The Lieutenant-General likewise desires that you will procure provisions for your men, and obtain bread and spirits from the shipping.

I have the honour to be,

Your most obedient humble servant,

HENRY TORRENS,

*Military Secretary.*

P. S. You will likewise make as great a depôt of provisions from the fleet as you possibly can.

*Colonel Mahon.*—There is a note of a prior date to that, which I received upon my arrival at Reduction, which I have numbered one, and which is referred to in the note I have just given in.—*(It was read).*

Reduction, July 2d, 1807, ¼ past ten, A. M.

Sir,

Upon the supposition that you will certainly reach this place to-day, the Lieutenant-General desires me to acquaint you that he is just about to move from hence in a direct south-west point, in order to turn the river Chuello, by reaching that part of it which is fordable, or rather the commencement of its source; he therefore desires you will follow him early to-morrow morning, bringing with you every thing from this. Major Gwynn of the 45th, will point out to you the direction which the column has taken. The General has written to Admiral Murray to land three days' bread and spirits for your people, which he trusts will be on shore this evening from the brigs you see at anchor.

I have the honour to be,

Sir, your obedient humble servant,

HENRY TORRENS,

*Military Secretary.*

Q. Do you remember what was the name of the officer who brought the second order which you received first?

A. No, I do not know his name; he was an officer of the 17th light dragoons.

Q. Did you happen to see what escort he had with him?

A. I saw them; I should apprehend, about twenty mounted.

Q What were the next orders you received from General Whitelocke?

A. The next orders I received were at 20 minutes past ten on the morning of the 5th, which orders I have also in my pocket.—*(It was read.)*

Head-Quarters before Buenos Ayres, July 4th, 1807, eight o'clock, P. M.

Sir,

I am directed by the Commander of the forces to desire that immediately on the receipt of this, you will march with the detachment under your command, and proceed without delay to take post at a safe distance from the bridge over the Chuello, where you will wait for further orders.

I have the honour to be,
Your obedient humble servant,
HENRY TORRENS,
*Military Secretary.*

Q. Who brought that order?

A. It was brought by two countrymen, two of the natives apparently.

Q. Did you at any other time receive any other orders from General Whitelocke, dated before the 5th of July?

A. No.

Q. Was a communication with the sea opened at Reduction, and supplies of provisions and stores procured from the shipping?

A. Yes; I received supplies of provisions, but I did not receive them in sufficient quantities to make a depôt; they were sufficient for the rations for the men under my command, but there was not more than enough for a day's consumption at a time. Owing to the badness of the weather and the surf running high, they were prevented send-

ing more on shore; therefore we could not make any depôt.

Q. Exclusive of the badness of the weather, were there any other difficulties in the way of landing provisions at Point Quilmes, so as to afford sufficient supplies to the troops, and the means of making a depôt?

A. There was a considerable swamp, which it must have been difficult to have got provisions across; and, in addition to that, I understood from one of the Captains of the navy, Captain Corbett, of the Nereide, that the biscuit was not in any large quantities on board the brigs that were off.

Q. Do you mean to state, that the swamp was so deep as to have prevented the transport of more provisions across it, if the weather had not been so bad.

A. No; I did not go into the swamp myself, but Captain Corbett, of the Nereide, who crossed it, told me that the conveyance of provisions was extremely practicable.

Q. Under the inspection of what officer of the commissariate were the provisions landed and issued at Point Quilmes and Reduction?

A. A young gentleman, a commissary, whose name I do not recollect: Mr. Bullock, I dare say, will be able to tell.

Q. Did the troops under your command experience much fatigue or difficulty in the march from the heights to Reduction, or afterwards in the march from Reduction to Buenos Ayres?

A. The marches were not very long, but they were very tedious, in consequence of our having the artillery to bring with us. The seamen drawing those guns must have undergone great fatigue, and the troops being exposed to the weather, without camp equipage, it being extremely bad weather, on the night of the 3d of July particularly, must, of course, have felt inconvenience; but generally speaking, we were healthy. In addition to this, the crossing the frequent rivulets with the artillery created great delay.

Q. Do you mean to state that the artillery, exclusive of other difficulties, would have considerably obstructed the rapidity of your march to Reduction?

A. Certainly.

Q. Were you frequently obliged to halt for the purpose of allowing the artillery to keep up with you?

A. Very frequently; particularly on the occasion of those rivulets occurring.

Q. When you halted for the purposes mentioned in the last question, did you halt in consequence of your own judgement of the necessity of the halt, or in consequence of an application from the officers of artillery for that purpose?

A. In consequence of my own judgement, seeing the necessity of bringing our artillery with us.

Q. State the effective strength of the whole force under your command at Reduction, including whatever numbers you found there.

A. There was the dismounted part and a few mounted of the 17th light dragoons, making together, I should imagine, about 500; there was the 40th regiment, with the exception of its light company, which, to the best of my recollection, was about 700; one troop of the 9th light dragoons dismounted, about 70 strong; and a detachment of the 45th, under Major Gwynn, which, I believe, were about 110; one company of the 36th regiment, about 70 strong; a detachment of the 88th, about 100 strong; with the artillery, under Captain Hawker's direction, about 50 men, I suppose, four six-pounders and two howitzers; I am not quite certain as to the strength of the artillery; and 200 seamen, under the command of Captains Rowly and Joyce of the royal navy.

Q. Can you tell what number of mounted light dragoons there were accompanied your march, not including the detachment which came with an officer of the 17th with a dispatch from General Whitelocke?

A. I should imagine there were about 30, originally under the command of Captain Bacon of the 17th light dragoons, but they diminished daily, owing to the transferring horses to the commissariate.

Q. To what use were these horses when transferred to the commissariate applied?

A. I do not know: they were taken by the commissariate

to carry pack-saddles: what they carried on them I do not know; they did not march with our column.

Q. Where did they march; in front or in the rear?

A. In front of my column, I suppose, with the Commander in Chief's column; they did not belong to our column, the commissariate staff did not march with our column: they marched, I believe, with Sir Samuel Achmuty's command.

Q. My first question was, What number of mounted cavalry had you with your division? Your answer was, About 30.

A. Yes; originally 30.

Q. With your division of the army, after your march from the heights, there were only about 30.

A. Yes.

Q. Next you stated that they diminished daily, owing to being tranferred to the commissariate. My question upon that was, To what use they were applied? You say they did not march with your column.

A. They were taken from our division on the 30th to march with Sir Samuel Achmuty's column.

Q. Then after this, you had no mounted cavalry with the rear guard.

A. Some few, but I do not know precisely the strength of them: I had returns of them at the time. Captain Bacon, I dare say, can give the precise number, but they suffered so much daily from the horses falling off and being lost, that I cannot state the number at any precise time. Some were with our column: those that marched with our column marched in the rear.

Q. About how many marched with your column from the heights?

A. I dare say about 18: I dare say there were 12 horses taken from our column before we marched from the heights.

Q. Do you mean to say, that when you arrived at Reduction you had 18 mounted cavalry?

A. I believe we arrived at Reduction with 18 mounted cavalry, and that we marched from the heights with that number. Our chief diminution, or the whole of it, was on the heights at Barragon; and when joined with

the officers and 20 men who remained with us, we were of course reinforced.

Q. When did that reinforcement of 20 mounted cavalry reach you?

A, Within a mile of Reduction.

Q. That made the whole number 38.

A. Yes.

Q. Can you tell why any mounted cavalry was left with the rear division of the army?

A. I conceive they were left with the rear division of the army for the purpose of videttes and flanking parties; besides, they were particularly useful in providing cattle for the use of the troops.

Q. Had you any Lassomen with your division of the army?

A. None.

Q. Can you tell what provisions were procured for your division by the cavalry?

A. Not the precise amount. We got cattle in large quantities; sheep and oxen more than we required to slaughter during our stay in the country.

Q. During the halt at Reduction, which appears to have lasted from the evening of the 2d to the morning of the 5th, was any reconnoisance made at any time by you, or by your orders, of the bridge over the Chuello?

A. On the morning of the 4th, I ordered the Assisting-Quarter-Master-General's Steward and Captain Hawker of the artillery, taking with them 20 dragoons mounted, and the dismounted of the 36th regiment, to reconnoitre the river and the adjacent country, and, if possible, to get intelligence of the columns of the army, either of the Commander in Chief, or of the advanced column of the army, without risking any affair or engagement with any part of the enemy. They met to get such information as they might be enabled; they did approach the bridge over the Chuello, it being at a distance from us; and they returned about one o'clock, without having been able to open a communication with either column, or to gain any information with respect to the bridge, or the passage of the river.

Q. Had you any reason to believe that you could not

have marched with your division of the army to the Miserere, on the 3d or 4th, if you had received orders to do so?

A. From experience since, I think I could; but at the time I did not think it practicable.

Q. What reasons had you at that time to think it would not have been practicable?

A. Previous to the note which I last received, at 20 minutes past 10 on the morning of the 5th, it was generally conceived that the bridge was broken down; a rumour to that effect had obtained.

*Judge Advocate.*—My first question alluded to what you thought on the 3d and 4th; whether if you had received orders on the 3d or 4th to advance to the Miserere, over the Chuello, you could not have done so.

A. I conceived at the time the bridge had been destroyed, as rumour had stated it to have been.

Q. Supposing the bridge to have remained as it did, were there any other impediments in the way of your having marched, in one day, from Reduction to the Miserere, had you received orders to do so?

A. I think there was no obstacle, except the length of the march, which, had we been delayed, as we were, for our artillery, and waited for it, we could not have effected from sun-rise to sun-set.

Q. How many miles is it from Reduction to the bridge?

A. I believe about seven miles.

Q. How many miles is it from the bridge, to the Miserere?

A. In the manner that we marched on the 5th of July, I conceive it to have been about six miles: we made a detour, in order to avoid the guns of the city.

Q. What was the nature of the road from Reduction to the bridge, and from the bridge to the Miserere?

A. Between Reduction and the bridge, there were several swamps to pass, and rivulets, and it was extremely heavy, for the artillery to be drawn in; and a great part of the road from the bridge to the Miserere, was also very heavy.

Q. Supposing the object to have been to give assistance to the troops engaged in the attack on Buenos Ayres, how

many hours would it have taken your column, without artillery, with your knowledge of the country, to have marched, by a forced march, from Reduction to the Miserere?

A. I think we could have accomplished it in four hours.

Q. With the same object in view, and with your knowledge of the country, and the exertions of the seamen and artillery men, how many hours do you think it would have taken the whole or the greater part of the artillery to have reached the Miserere from Reduction by a forced march?

A. I do not think we could have done it in less than twelve: we were considerably more time in marching it as we did march it, and I believe there was every possible exertion made by the seamen and the artillerymen to bring on the guns.

Q. State the hours at which the detachment under your command marched each day, and the hours it arrived at its ground each night, with the distance of each day's march, from the heights to Reduction.

A. On the 1st of July we marched from the heights at six o'clock in the morning, we halted at twelve o'clock, for about two hours to refresh, and we arrived at about half past three at the heights, where we took up our ground, making, I suppose, about eight miles in the extent of the day's march. On the 2d we marched so much before day, as to calculate our arrival at a river, three miles distance, would come to about the time of its being light: it was necessary to pass that river, there were very steep banks, and we did not arrive at Reduction till past five o'clock in the evening; the distance I conceive to have been from nine to eleven miles. We halted on the 3d and 4th at Reduction.

Q. Are you of opinion, from what you saw of the country, between the heights of Barragon and the Chuello, that supplies of provisions might have been obtained as the army advanced, had the usual means of patrols and sending light troops into the country been adopted?

A. I do think that cattle might have been had in sufficient quantity; but I conceive that the country afforded no other species of provisions.

Q. Do you think wheat might have been obtained?

A. I think not: it is cultivated in small quantities.

Q. Do you know what corn the inhabitants feed upon?

A. Chiefly wheat, and a good deal of Indian corn.

Q. Do you mean to state, that all the corn, except the small quantity you mentioned, had been removed before you passed through the country?

A. There did not appear any considerable portion of the country cultivated with corn; it was mostly grass land that we passed over, pasture land.

*Cross-examined by General Whitelocke.*

Q. Were the difficulties arising from the swamps such as had occurred to you in other countries, or of an unusual nature, and did they not exceed any description we had had fo them?

A. I think the difficulty was very unusual, and far greater than I had ever heard a description of them.

Q. Was not the ground on the sides of the rivulets swampy and difficult to cross with artillery, and were not the men obliged to wade through water on each day's march in crossing these rivulets?

A. Yes, to both parts of the question.

Q. How deep were those rivulets?

A. Some of them varied; I have seen them above the height of the waistband of the men's small clothes.

Q. Did the length of time occupied in marching the distances you have mentioned on the first and second, arise from difficulties opposed by the nature of the country; and could you not in any other country have marched even greater distances with your division, in less time, and with less fatigue to the troops?

A. The difficulties did arise in consequence of the country's being so swampy, and, of course, the difficulty of getting the artillery to pass: the delay was chiefly occasioned by that and the nature of the country; and I conceive that very few countries could have presented so many obstacles.

Q. As the difficulty of establishing a body of cavalry has much of locality attached to it, will you state, as nearly as you can, the number of horses delivered to the 9th

dragoons at Monte Video and elsewhere; how long they generally remained fit for service while undergoing any fatigue; and what the casualties were?

A. The part of the 9th light dragoons that were mounted, consisted only of one squadron that ever acted, and was sent to Colonia de Sacramento; the remainder acted dismounted, with the exception of one period, at which they received, just prior to the embarking for Buenos Ayres, about eighteen horses for two troops, which did not remain in our possession but for a few days, but were transferred again to the 17th light dragoons, who were intended to have acted mounted; the casualties, therefore, I cannot undertake to say; they were under the command of Major Ord at Colonia.

Q. Had you not an opportunity of knowing, as an officer of cavalry, that the casualties in horses furnished to the dragoons were extraordinary, and constantly diminishing the force in an excessive degree?

A. Yes; I had certainly.

Q. Did I not at Monte Video, by every means in my power, facilitate the mounting and care of the cavalry?

A. Certainly I considered so.

*Judge Advocate.*—I have no questions to put to Colonel Mahon in re-examination.

*Examined by the Court.*

*Judge Advocate.*—The question communicated to me from the court, applies to a subsequent period to that which at present forms the period within which the court have decided they will confine themselves; I would, therefore, submit it would be advisable to defer the putting this question, till Colonel Mahon is called in again on the subsequent part to which the charges relate.

Q. Did the countrymen who brought you the order on the morning of the 5th, inform you by what route they had come?

A. They informed me that they had had very great difficulty in avoiding the Spanish parties, and at length had been obliged to swim the river on horseback: they did

not describe to me their route, nor should I have known it if they had, for I did not know the country.

Q. Were the guns with your division at any time, after leaving the heights above Barragon, drawn by horses on the march to Reduction?

A. A part of the artillery was drawn by horses and mules, which were certainly unequal, at those swamps, to have got the guns through without the assistance of the seamen; but there was a part to which there never had been any horses.

Q. Do you know what sort of room or place it was where your regimental stores were lodged at Monte Video?

A. Yes; it was a room on the beach, quite near to the sea, which had been occupied by the 40th foot previous to our marching into the barracks. It was occupied by our Quarter-Master, who was acting Adjutant of the regiment in South America. It was not a large room.

Q. Did this place interfere with private property, or the safety of the garrison at Monte Video?

A. I never heard that it did with either one or the o her.

*Judge Advocate.*—Having stated that there was a return made to your regiment of the number of stores made away with at Monte Video; have you it in your power to produce that letter; or in whose possession is it?

A. Major Ord reported to me, that a return had been made of the quantity of baggage which was looked out to be disposed of, and I conclude that it is now in the possession of the regiment. I will write to the commanding officer of the regiment for it.

*The witness withdrew.*

*Lieutenant-Colonel Henry Torrens called in and sworn.*

*The abstract of the first and second charges was read.*

*Examined by the Judge Advocate.*

Q. I believe you were upon General Whitelocke's staff in the expedition to Buenos Ayres.

A. I was.

Q. What situation had you upon that staff?

A. Military secretary.

Q. Will you state the substance of the information received by General Whitelocke, previous to the leaving Monte Video, of the means and disposition to resist of the Spanish commander at Buenos Ayres?

A. The information which General Whitelocke received was very defective; and we had never any direct communication with Buenos Ayres. We heard, generally, that the military and inhabitants of Buenos Ayres were determined to defend the town to the last; and that they had erected batteries in the principal streets; and that the ordnance mounted on them might have been about forty or fifty heavy cannon. Every person from whom information could be obtained, was examined as to the best situation for landing the army on the southern side of the river; and the Quarter-Master-General, and Captain Whittingham of the navy, were sent up to reconnoitre. Upon the return of the Quarter-Master-General, the Ensenada de Barragon was fixed upon as the most practicable place of debarkation.

Q. Was any information obtained of the force of the army of the Spanish general?

A. We heard, in general, that their army consisted of about 8000 men; but the information was vague. From some persons we heard it was eight, from some ten, and from others twelve thousand.

Q. Were you constantly with Lieutenant-General Whitelocke from the landing at Ensanada to the evacuation of Buenos Ayres?

A. Not constantly with him. I was generally in attendance on him, but not constantly. I was sometimes with the advanced guard, and at other times absent from him on various points of duty.

Q. During your march from Ensenada, till your arrival before the town on the 3d, were you intrusted with the writing or delivering any orders?

A. Yes, frequently.

Q. Will you state, as far as your recollection will enable you, what those orders were?

A. On the evening of the 28th of June, in reply to a

report from Major-General Gower, of his having reached the heights in front of Ensenada bay, I was directed to write to him, to desire that he would be prepared to advance upon the Commander of the forces joining him the next day with the main column of the army. That was the substance of that order. On the evening of the 30th of June, in reply to a dispatch from General Gower, I was directed to desire that he would halt upon the ground from whence he reported himself, until the Commander of the forces joined him the next day. On the morning of the 2d of July, about two o'clock, I was ordered to write to the Major-General, to desire that he would move that morning.

Q. Have you a copy of that letter?

A. I have not a copy of it. All these notes were written on my knee; and, being in the field, I had not the means of taking copies of them.

Q. Who was present at the time when Lieutenant-General Whitelocke dictated that letter?

A. I believe Colonel Bourke was present. Colonel Bourke had been in conversation with the General before I received the order to write that letter, and, to the best of my recollection, he was present. He was, however, aware of the contents of that letter.

Q. Will you detail, as nearly as you can, the contents of that letter?

A. I was directed to desire, that the Major-General should advance that morning with the column under his command; feel his way over the Chuello, at any place he might find it practicable above the bridge; to take a position in the western suburbs of Buenos Ayres, and communicate with the shipping; to avail himself of any favourable opportunity of sending a summons to the Spanish General, referring to some previous conversation or communication they had had on the subject of the terms to be granted; and stating, generally, that it was his intention to support him. To the best of my recollection that is the substance of the letter I wrote on that morning.

Q. Do you recollect whether there were any expressions in the letter relating to the Major-General advancing into the town?

A. To the best of my recollection there was no such expression in the letter.

Q. Does your memory enable you to state with certainty that there were no such expressions in the letter; or do you mean only to state, that you do not remember such expressions being contained in the letter?

A. I can positively state, that there were no such expressions in the letter: the order was to take a position in the western suburbs; no further.

Q. You have said, that in the letter Major-General Gower was informed, generally, that he should be supported by General Whitelocke; can you remember what the expressions were which communicated that intention?

A. To the best of my recollection, the expression was, It is my intention to support you with the column under my immediate command.

Q. It was, we understand, about two o'clock in the morning, or rather in the night, that the letter was written.

A. About two, or half past two; perhaps fully half past two by the time I wrote the letter.

Q. Did the letter purport that Major-General Gower was to move that day?

A. Certainly; that morning.

Q. Were there any expressions in the letter which left the operations of the advanced corps to the judgement or discretion of the Major-General; or was the order a peremptory one, like the other orders of the Commander in Chief to the officers under his command?

A. The order was a peremptory one.

Q. Had any information been received of the strength and position of the enemy at any time subsequent to the landing at Ensenada, and previous to the time you are now speaking of, namely, the night of the 1st of July?

A. None whatever.

Q. Was it known at that time how many passes there were over the Chuello above the bridge?

A. It was not exactly known; but the Passa Chico, from every information we had received, was supposed to be impracticable; at least, there was a very considerable doubt as to its practicability; and that was the only pass I had ever heard mentioned. The guides told us, that by

going further up the Chuello, we should turn the source of the river. The Passo de Zamora was never mentioned, until a guide joined us subsequently to our march from Reduction; and he seemed to have only a faint idea of it.

Q. Had the guides attached to the different divisions of the army been ever confronted, or the accounts they gave of the country compared with one another, by Lieutenant-General Whitelocke, or by his orders?

A. Before we left Monte Video they were not confronted, because one of the guides was unwilling to appear active in the cause, lest it should create a jealousy on the part of the Spaniards, and injure him; therefore every communication we had with him was in private. I was never present when the other two, who were Americans, were confronted; but I know they were together, for they went up the river with Colonel Bourke, the Quarter-Master-General.

Q. To which divisions of the army were those two Americans attached?

A. One of them to General Gower's, and the other to Colonel Mahon's.

Q. Do you know whether the guides attached to the main body under Lieutenant-General Whitelocke's immediate command, and the guides attached to the advanced corps under Major-General Gower, were ever confronted, so as to be certain that the two divisions might march in the same direction?

A. Not to my knowledge.

Q. The Lieutenant-General being, as you have stated, without information of the strength or position of the enemy out of the town, were any, and what, attempts made by reconnoitring or otherwise, to ascertain it previous to the letter to the purport of which you have just spoken?

A. I do not recollect that any steps were taken to reconnoitre, except that on the evening of the first the horses were ordered for that purpose the next morning, but the reconnoisance did not place.

Q. Do you know what information the Lieutenant-Ge-

neral had received from the inhabitants of the country, in the course of the first, respecting the appearance of the sky, and the prospect of bad weather?

A. I had understood, that such of the inhabitants as were attached to the Commissary-General's department expressed apprehensions as to the change of weather. That is all I know upon that subject: I never was present at their examination.

Q. What were the last orders, in the evening of the 1st of July, respecting the operations of the army on the succeeding day, the 2d?

A. No orders were issued whatever that night for the next day, as to any operations.

Q. Had you been told by General Whitelocke on the 1st of July, whether he did or did not intend to halt the army at Reduction on the 2d?

A. General Whitelocke never actually told me that such was his intention; but I considered it to be so.

Q. State your reasons for forming that opinion.

A. My reasons for forming that opinion were, that the Admiral had sent an officer from the fleet, to know if we wanted spirits or provisions, and that this officer was directed to have a portion of each landed at ten o'clock the next morning; which, with the General's intention to reconnoitre, I thought would occupy the most part of that day, so as not to give us time for any further operations.

Q. At what hour was the order to march the next day given?

A. At nine, or half past nine; I cannot be exact, but about that time.

Q. Was that order the first notice you received of the General's change of intention?

A. That order was the first intimation I received of the General's change of intention.

*Judge Advocate.*—That question is not quite correct, as Colonel Torrens has not expressly said that it was not the General's intention to march. Was that order the first notice you received, that the General intended to march that day? I am not quite sure that that will be quite clear of objection.

*General Dundas.*—He had stated in that letter, that he would support the advanced guard. He could not have supported the advanced guard without marching.

A. I am perfectly aware of my having stated that to be the substance of General Whitelocke's letter; but neither the time of the support, nor the place of junction was mentioned; consequently I did not know that General Whitelocke meant to march that day, from the letter I wrote to General Gower. The expression of the intention of support was general; no time nor place was fixed.

*Judge Advocate.*—Were there any expressions in the order you were directed to send to General Gower, which ascertained whether it was the intention of Lieutenant-General Whitelocke to march upon the 2d, or not? Perhaps I ought to state to Colonel Torrens, that my reason for asking that question is, the expression he has used in reference to that letter, that it ended in a general assurance of support.

A. There was nothing in that letter that led me to draw any conclusions, as to the period of General Whitelocke's advance. I believe I stated, that what I stated as to the General's supporting him, was, to the best of my recollection, the mode in which it was expressed.

Q. Did any thing pass in conversation with Lieutenant-General Whitelocke at that time, which led you to form any conclusion with respect to the Lieutenant-General's intention as to the operations of the army on the 2d?

A. Nothing dropped in conversation to enable me to draw any conclusion as to General Whitelocke's movements on that day.

Q. How soon after this conversation did you see the Lieutenant-General?

A. I saw him immediately after.

Q. Did you see him after the order to march was given, and before the march?

A. I saw him before the order to march was given, but I was not on the spot when it was given; I had gone with an order to Sir Samuel Achmuty; and when I returned, I found them getting under arms, and that an order had been given for the column to advance.

Q. We have understood that General Whitelocke pro-

ceeded a certain way in the morning before the order for the march was given, in his road from Reduction. My object is to know how early in the morning you saw Lieutenant-General Whitelocke, after having dictated this letter to General Gower.

A. About half after seven, or eight, I went out with General Whitelocke, a little in front of the line, and we met Colonel Bourke, who was returning, after having taken the letter to General Gower.

Q. Were you told by Lieutenant-General Whitelocke, whether he intended to proceed to the advanced corps, or to make the reconnoisance which had been decided upon the preceding morning?

A. General Whitelocke did not intimate to me his intentions. When I returned from seeking Sir Samuel Achmuty, I found that the column had been ordered to fall in; but I was not acquainted with the precise direction it was to take till afterwards.

Q. Did you see Colonel Bourke deliver Major-General Gower's answer to the Lieutenant-General?

A. I did. I believe he first delivered it to me.

Q. What did Lieutenant-General Whitelocke do after receiving that letter? Did he proceed, or return, or what orders did he give?

A. He spoke apart to Colonel Bourke, after the receipt of that letter; and I heard him say he would send the 87th to support Major-General Gower. I did not hear what passed between the General and Colonel Bourke, except that he said he would send the 87th to support General Gower. I then went to desire that Sir Samuel Achmuty would order that corps (the 87th) under arms, as it composed part of his brigade. When I was a few yards on my way, in the execution of this order, the General desired that I would direct that Sir Samuel Achmuty should get his whole brigade under arms. I could not find Sir Samuel Achmuty; and, on my return, I found that the order I have already stated had been given out.

Q. State what orders you received from Lieutenant-General Whitelocke, and delivered upon the 2d of July.

A. Upon our leaving the ground at Reduction, there was an order I wrote, by the General's order, to Colonel

Mahon, merely to desire that he would make all the haste he could with the artillery and stores: and I was directed also to point out the direction which our column took, to Major Gwynn, of the 45th regiment, who was left there to protect the sick and fatigued men. In this order to Colonel Mahon, he was directed to get refreshments from the navy, and to follow the Lieutenant-General's division as soon as possible, in a south-west direction. On the halt of the column that day, Captain Whittingham came to me with a message from the General, to desire that I would write to Colonel Mahon, ordering him to halt at Reduction, until further communication.

Q. Were you directed to write, or to send, any other order to Colonel Mahon, after the last order you have spoken of to halt at Reduction, during the remainder of the 2d, or during the 3d or 4th of July?

A. On the evening of the 3d I wrote to Colonel Mahon, to desire he would advance with his detachment the next morning towards the Chuello, and take up a position out of the range of the enemy's fire, to remain there till four o'clock in the evening, when, if no order was communicated to him, he was to return to Reduction.

Q. How were you directed to convey this letter to Reduction?

A. We got a man that undertook to take that letter, a native. That letter was never received by the Colonel. This person never delivered the letter.

Q. Did you receive any directions from the Lieutenant-General, with respect to the mode in which that letter you have just spoken of was to be conveyed to Colonel Mahon?

A. General Whitelocke directed me to find a person to convey this letter; and I employed an American, who had some local knowledge of the place and its inhabitants, and he brought me a man who engaged to perform that service.

Q. I think you have stated that there was another order sent to Colonel Mahon: will you state what that order was, and the period, and how, it was sent?

A. On the evening of the 4th, I wrote another order to Colonel Mahon, on the supposition that he had receiv-

ed the previous one, to desire that he would move towards the bridge early on the morning of the 5th, and remain out of gun-shot until orders were sent to him.

Q. At what hour of the evening of the 4th was that order written?

A. About five, or perhaps half past five.

Q. You have said that the second letter was written on the supposition that Colonel Mahon had received the first.

A. Yes.

Q. Did I understand that it was written about five, or half past five, on the evening of the 4th?

A. Yes.

Q. If he had received the first, he would have marched to the bridge on the morning of the 4th, and remained there till four o'clock, and then returned.

A. Yes; and it was on the presumption that he had returned to Reduction that that order was written.

Q. What directions did you receive as to the conveyance of that second order?

A. I had directions to find a person to take that letter; and I got a man from the Commissary-General's department to take it, which he consented to do in consequence of my promising him a large reward.

*The three letters produced by Colonel Mahon were put into the hand of the witness.*

Q. Are those the letters of which you have spoken, except the letter which you have stated was not received?

A. These are the letters.

Q. The order written on the evening of the 3d never having been received, I think it proper to ask whether you are certain that you are accurate as to the substance of it?

A. Perfectly certain.

Q. Was it known at any time, and, if so, how soon after your arrival at the Coral de Miserere, that the enemy had abandoned their position at the bridge over the Chuello?

A. I understand my reply is not to extend beyond the

4th. There was nothing heard, according to the best of my recollection, on the subject of the evacuation of that position during the day of the 4th.

Q. Were any, and what, means taken by patrols, or in any other manner, to obtain information upon that subject subsequent to the arrival of the main body at the Miserere?

A. I do not know that any measures were taken to obtain that information.

Q. State the substance of the information received from prisoners, or in any other way, of the intentions and means to resist of the enemy, subsequent to the arrival of the main body at the Miserere.

A. Two Spanish officers, who were taken prisoners in the action of the 2d, stated, that it was the intention of the enemy to receive us by moveable columns, in the event of the town being stormed, and not to occupy the houses. I beg leave, at the same time, to state, that Captain Whittingham, who interpreted what was said by those people, and took a minute of their evidence, can give a better account than it is in my power to do.

Q. Of course that information was communicated to Lieutenant-General Whitelocke.

A. It was.

Adjourned to to-morrow morning 10 o'clock.

## FOURTEENTH DAY.

SATURDAY, FEBRUARY 13, 1808.

*Lieutenant-Colonel Henry Torrens called in again.*

*Judge Advocate.*—I would suggest to the Court, that as the evidence of Lieutenant-Colonel Torrens is so important, and as he has had to speak to the contents of a letter of which no copy has been kept, it might be desirable for the Court, and for Colonel Torrens, to have his

evidence read over, that he might be quite sure it was accurate; and there is one point which I would suggest to Colonel Torrens, that there is an accidental mistake in the date he has given to one of the letters. The order of the 4th to Colonel Mahon, he has stated in his evidence, to have been written at between five and six o'clock: it appears by the date of it that it was eight. Perhaps the date was the date of the hour at which it was sent?

A. I rather believe I can explain that, by its being written about dusk, but my not dating it till I had found a man to take it.

*The evidence given by Lieutenant-Colonel Torrens yesterday was read over, and the following correction was made. After the words "five or half past five."*

*Colonel Torrens.*—I wish to add, that it was dated later: it was not dated till I had found a person who would take it.

*Judge Advocate.*—Do you know of any information received from Mr. White upon the subject of the strength and intention to resist of the enemy? and, if you do, state what it was.

A. I do not recollect any particular information being received from Mr. White, except that he did not conceive the force in Buenos Ayres to exceed 6000 men; and I believe he expressed a confident expectation that the enemy would surrender, if we gained a position on each flank, that is, in the Plaza de Tauros, and on the Residentia.

Q. Did you hear from Mr. White, or from any other quarter, any information upon the subject of the intention of the enemy to occupy the flat roofs of the houses?

A. I heard, generally, that the enemy intended to defend the town in that manner; and the first intimation we received to the contrary was from the examination of two Spanish officers. I never heard Mr. White say any thing on the subject.

Q. Were you in attendance upon General Whitelocke from the time of the junction at the Miserere, till the close of the 4th of July?

A. I was with him at the period of the junction; but, from that time, I did not see him till about four o'clock.

Q. Will you proceed to state the periods you were in attendance upon Lieutenant-General Whitelocke, from that hour to the close of the 4th; and how he was employed during those periods; and any conversations which passed between the Lieutenant-General and yourself, upon all the subjects relating to the attack upon Buenos Ayres, and the army under his command?

A. General Whitelocke had no kind of conversation with me upon the subject of the attack upon Buenos Ayres. I was present at a conversation with Colonel Bourke.

*Judge Advocate.*—It will be better, instead of putting express questions upon each particular, to request you to give a narrative of whatever conversations passed upon those subjects. A paper is put into my hand which I think it quite right to read. It is suggested whether the question should not be, What orders Lieutenant-General Whitelocke gave: it is stated, because the Lieutenant-General might have made communications with respect to the conduct of the officers under him to his Military Secretary, which comes under the general words relating to the army, and which are not by any means proper to be repeated. Undoubtedly, supposing the question to be understood to call upon the witness to state any conversations of that nature clearly confidential with respect to the conduct of officers under General Whitelocke, it is a complete misapprehension of the question. The question has this object in view, to obtain from Lieutenant-Colonel Torrens all the information he can give respecting either the conversations or the conduct of Lieutenant-General Whitelocke, from the period alluded to in the question, in relation to the operations of the army, if, in the course of that conversation, circumstances have occurred of the nature pointed out in the paper which I have just read. Undoubtedly the question does not call upon Lieutenant-Colonel Torrens to give any information that would be of a nature strictly confidential: that would be a species of communication made by the Commanding Officer to his Military Secretary, not as Mi-

litary Secretary, but confidentially as a friend; and, in that point of view, I should conceive that sort of conversation the Court would not wish to have inquired into.

*Colonel Torrens.*—I am much obliged to the Court for their instructions upon that head; for I conceive what passed between General Whitelocke and myself as sacred, and I should not have felt myself at liberty to divulge any circumstances of that kind.

*Judge Advocate.*—Then, with that explanation, you will feel no objection to answer the question.

*Colonel Torrens.*—Certainly not.

*The question was read to Lieutenant-Colonel Torrens.*

*Judge Advocate.*—If there are any expressions which can be introduced into that question from the suggestion of any officer of the Court, or, I would say, of General Whitelocke himself, which can clear up the object I have in view in putting that question, I shall be extremely glad to receive the communication of any member of the Court, or of General Whitelocke himself, upon it.

A. With the instructions the Court has been so kind as to give me, I trust I shall be enabled to draw the line. Shortly after my arrival at head-quarters on the evening of the 3d, Colonel Bourke returned from having visited the out-posts. General Whitelocke then mentioned to us both, but particularly addressing himself to Colonel Bourke, that he had in his hand a paper containing a plan of attack for the next day. He mentioned that it was suggested by General Gower, and expressed himself extremely averse to it on the score of its inhumanity. He said he certainly would erase the order for making no prisoners; and that, before the plan was carried into execution, he would again send a summons to General Liniers. I suppose it is not the intention of the Court, I should mention any replies made to General Whitelocke by Colonel Bourke.

*Judge Advocate.*—Yes; it is wished you should state the whole of the conversation.

A. Colonel Bourke said it was a very novel kind of attack, or some expression of that kind; and also thought that it would be attended with the sacrifice of a great many

lives: Colonel Bourke added, that in his opinion, however, he thought it would succeed. I merely remarked, from the weather having set in to rain, it was necessary some prompt measure should be adopted: that was all that passed at that time. Shortly afterwards General Craufurd came to head-quarters, and the General addressed himself to him pretty much in the same terms as he had to Colonel Bourke. General Craufurd and I looked over the plan of the town, and were applying the plan of attack to it, when he started a difficulty, from the idea that it was the intention to penetrate down the centre, instead of making an impression on the flanks: he objected to it on that score, and said he would go and talk to General Gower. A few minutes after General Craufurd's departure, I found that he had made a mistake, and that there was no such intention in the plan. I do not recollect any further conversation that night. I was busied in making copies of the plan of attack to deliver to the officers of the several columns; and it was understood that it was to take place the next day at half past 12 o'clock. General Gower engaged to bring the Brigadiers to head-quarters at eight, or between eight and nine, to receive their final instructions: nothing further occurred that night. The next morning General Whitelocke desired me to write a letter to General Liniers, which letter I believe has appeared in the public papers; the General wrote the letter himself, and I copied it. The General also wrote a circular letter to the Brigadiers, saying that he was obliged to adopt that mode of attack in consequence of the local inconveniences under which the army laboured, or some words to that purport; and calling upon them to make every exertion in their power to prevent the effusion of blood which might be expected from it. Shortly afterwards General Gower and the Brigadier-Generals came to head-quarters, and I was sent out of the room with the rest of the staff. I understood, when the conference broke up, that the attack was deferred till 6 o'clock the next morning, the morning of the 5th. In the detail of the circumstances which may have occurred, I trust the Court will allow me to draw the same line with regard to others, which I have with re-

gard to General Whitelocke: I understand I am not called upon to detail any conversation with any other person.

*Judge Advocate.*—Certainly not; unless that conversation passed in the presence and hearing of General Whitelocke.

A. Shortly after this, about 11 o'clock, I accompanied Lieutenant-General Whitelocke, who rode out to view the position. I believe he returned in the course of an hour: nothing particular occurred. Having gone to the centre, where he held some conversations with several officers, I really do not recollect who they were; General Craufurd was posted there, it was very likely with him and others, but I am not clear upon that subject; there were several officers about there; it was General Craufurd's post: nothing particular occurred that day that I can possibly call to my recollection. I wrote the letters to Colonel Mahon which I have already related in the course of my evidence; every thing was arranged for the attack next morning; the Generals and commanding officers of columns got their orders.

Q. From the time of the Lieutenant-General's arrival at the Miserere on the 3d, did he make any reconnoisance towards the town previous to the close of the 4th of July?

A. Not that I know of.

Q. How near were your quarters to those of the Lieutenant-General?

A. I was quartered at the same place with him.

Q. In Mr. White's house?

A. Yes.

Q. Then if he had made any such reconnoisance, must not you have known of it?

A. From the situation I held, I must naturally have known of it.

Q. How soon after his arrival at the Miserere were the head-quarters established at Mr. White's house?

A. Immediately after our junction with General Gowe I heard General Whitelocke ask him which would be the best situation for head-quarters; and General Gowe pointed out Mr. White's house: I do not know when it was established as head-quarters; I did not go there myself for an hour afterwards.

Q. State for how long a time together, and at what periods, the Lieutenant-General was absent from head-quarters, from the period at which the head-quarters were established at the Miserere to the close of the 4th of July.

A. I do not recollect that the General was absent any time from head-quarters during that period, except for the hour I have already mentioned: I am not clear as to its being an hour; it may have been more perhaps.

Q. What is the distance from Mr. White's house to the entrance of the town?

A. The suburbs are so extended that it is difficult for me to say what is the entrance of the town. Mr. White's house is, perhaps, about 250 or 300 yards in rear of General Craufurd's position; that was at the Coral.

Q. Did Lieutenant-General Whitelocke ever inform you whether he had formed a plan of his own, whether he had formed any plan for the attack of the town besides that which you have spoken of in your evidence?

A. I never understood from General Whitelocke that he had formed any precise plan. He had a general idea, even before he left Monte Video, of proceeding to the north-west of Buenos Ayres, and throwing his left flank on the river, for the purpose of communication with the navy: it was always his intention, however, to be guided by local circumstances.

*Sir John Moore.*—I understand the question to respect any plan formed by General Whitelocke after his arrival.

*Judge Advocate.*—I wish to know whether you had any knowledge of any plan of General Whitelocke's for the attack upon the town, subsequent to his arrival at the Coral.

A. None whatever, subsequent to his arrival at the Coral.

*Judge Advocate.*—I believe I framed my question so as to include information which Colonel Torrens might have, of any plan formed at any time by General Whitelocke. Having stated that you accompanied General Whitelocke the only time he left head-quarters after his arrival at the Miserere; did he then visit the advanced

osts of the army, or how far did he proceed in that direction?

A. General Whitelocke did not go farther than the left of the Coral, where the central brigade was then parading.

Q. Was the station where the Commander of the forces was to be found on the day of attack, to your knowledge, ever notified in orders, or otherwise, to the officers of the army?

A. It was not notified, to my knowledge; and I never heard it mentioned that day.

Q. Were the points of retreat, if retreat should become necessary, ever notified to the officers of the army?

A. No provision was made for retreat: I believe the general idea was, that our operations would be crowned with complete success.

Q. Have you any other information to give to the Court on the subject of the charges you have heard read against Lieutenant-General Whitelocke, so far as they relate to the period to which your examination has been confined?

A. That question puts me in rather an awkward predicament; for it leaves me to judge what relates to General Whitelocke's conduct. I do not recollect that I have left out any thing; but, perhaps, hereafter something may occur to my mind. I beg to state that, for the sake of my own feelings, it is difficult for me to judge what attaches to the conduct of General Whitelocke.

*Judge Advocate.*—It is impossible for any one who asks the questions of Colonel Torrens as a witness upon this subject, to know what information he may possess, or what answer he may give. The questions which I have proposed, have been with a view to obtain information on those points on which it was probable he might have information to communicate. There may probably be others, on which it is impossible for those who do not know all which Colonel Torrens does, to be able to propose a question. It is, therefore, with the general view of obtaining all the information which the Court has it in its power to obtain from the witness, that I have put that

" Lieutenant-Colonel Torrens does not re-

member any other facts on the subject of the charges which he has heard read, he has only to say that he has stated all which he recollects attaching to the conduct of Lieutenant-General Whitelocke upon the subject of those charges.

A. Generally speaking, I have stated every thing which occurs to my recollection. I do not at this time remember any other points which are material. I have answered on the points put to me, and endeavoured to answer them to the best of my recollection. If I reflect a little, there may probably be other circumstances which I do not recollect. I cannot take upon me to say, at this moment, there are no other circumstances which bear upon the charges; but I do not recollect any other circumstances.

*Cross-examined by General Whitelocke.*

Q. Did I not avail myself of every means of procuring guides and information? and was not the disposition of the country so hostile to us as to render it very difficult, and almost impossible, to procure any satisfactory intelligence?

A. The disposition of the country was so hostile that it was almost impossible to procure intelligence that was satisfactory; and General Whitelocke certainly availed himself of the assistance of such people as were willing to afford information.

Q. Was not the disembarkation much retarded by our being obliged to go into a small creek, instead of landing on the beach, as we had been led to suppose we might by our guides and pilots?

A. Certainly, if the water had been of sufficient draft to enable the army to land with an extended front, the disembarkation would have been much more expeditious.

Q. Were we not led by the guides and pilots to suppose that the men would land at Ensenada upon the beach; and was not that attempted?

A. We were led to suppose so; and it was attempted.

Q. Had the description of the road from Ensenada to Buenos Ayres, particularly across the swamp, given us by

the guides or others, led us to form a just conception of the difficulties we afterwards experienced?

A. I always understood from the guides that the swamp ran parallel to the right bank of the Plata; but their descriptions of it never gave an adequate idea of the difficulties we encountered.

Q. In the course of your former services in the East and West Indies, and upon the Continent of Europe, did you ever witness the march of an army through a swamp like that between the Ensenada and the heights of Barragon?

A. I never recollect in any of those countries to have marched through a morass such as that from the bay to the heights of Barragon.

*General Whitelocke.*—I have no further questions to trouble Colonel Torrens with till I come upon my defence.

*Re-examined by the Judge Advocate.*

Q. You have stated in your first answer to the question put by General Whitelocke, that the disposition of the inhabitants was so hostile as to make it impossible to procure intelligence. I would ask whether, if it was impossible to procure intelligence by fair means, the usual means were resorted to, after the landing at Ensenada, of seizing persons capable of giving intelligence, by making strong and extensive patrols of light troops; or was the necessity of it obviated by strong reconnoitring parties?

A. It was impossible to seize any of the peasantry, as they evacuated the country on the approach of the army: the only two men that remained were seized; and no such patrols or reconnoitring parties were formed.

*Examined by the Court.*

Q. Do you know how far the Passo de Zamora, where the main body of the army crossed the Chuello, is below the source of the river?

A. I do not know.

*Judge Advocate.*—I believe I must remind you of the

point to which the question I am about to put to you relates, by stating that in the course of your examination you have said, that upon the 3d of July you had a conversation with General Whitelocke and Lieutenant-Colonel Bourke on the subject of the plan. The question I wish to put to you is, whether you knew that the Lieutenant-General and Colonel Bourke had had any conversation upon the plan of attack on the 3d, previous to that which you have stated?

A. Not that I am acquainted with; and I am inclined to think that was the first conversation they had on the subject. It is impossible I can speak with any certainty upon that subject; but, from the tendency of their conversation, it appeared to me it was the first conversation on the subject.

Q. In that conversation which you are speaking of, are you sure, or do you know, who first proposed the erasure of that particular part of the plan relating to making no prisoners?

A. To the best of my recollection, it was General Whitelocke; but I am not clear upon that point.

*A Member.*—Do you know the distance from the bridge, where Colonel Mahon was ordered to halt until further orders, to the nearest part of the town?

A. To the nearest part of the town, it may have been two miles and a half, or three miles; but I cannot speak with any degree of precision. The Spaniards called the bridge four miles from the body of the town; therefore, I imagine it may have been from two and a half to three miles from the bridge to the nearest part of the town.

Q. Do you know how far it is from the bridge to the Residentia?

A. I cannot speak with any certainty; but I suppose about three miles and a half perhaps.

Q. Having stated that no patrols were sent out, how was it ascertained that the ustantias in a south-western direction from the heights of Barragon, were evacuated by the inhabitants, or those in any other inland direction, before the 1st of July?

A. They were always found to be evacuated on the arrival of the advanced guard of the column.

*General Dundas.*—It has been mentioned by the witness, that a circular letter was written by General Whitelocke, stating that, owing to certain inconveniences, he should adopt General Gower's plan of attack. I wish to know whether Colonel Torrens can inform us what were the inconveniences which were referred to in General Whitelocke's circular letter to the Brigadiers of which you have spoken, which induced General Whitelocke to adopt the plan of attack proposed by General Gower.

A. These inconveniences——

*Judge Advocate.*—I would suggest to the Honourable General, that as that is a public letter, and I understand it was sent among the public papers to the office of the Secretary of State, perhaps it will best itself speak for its contents.

*General Dundas.*—I do not want to know the contents of the letter, but the circumstances referred to: he says that it was the inconveniences under which the army laboured which induced him to adopt the plan of attack proposed by General Gower, which was that by coup de main, instead of that which he appears himself previously to have intended.

*General Whitelocke.*—The letter expresses as many of those reasons as I thought it wise to express.

*Judge Advocate.*—I did not understand the object of the Honourable General: I understand now that he means, there being inconveniences intimated, Colonel Torrens should state whether he knows what those inconveniences were.

A. Those inconveniences arose from the heavy rains then falling, and the probable want of provisions: the want was in some measure experienced at the moment, for the men had been without spirits for several days.

Q. Might not a communication have been established with the ships at that time?

*Colonel Torrens.*—On which flank does General Dundas mean?

*General Dundas.*—On either flank.

A. We had had a communication at Reduction on our right flank.

Q. I mean in front of the town.

A. Not without an action, certainly; not without gaining a position on the enemy's flank. If we had taken an extended circuit to the left, we might have communicated, perhaps; we might have moved our position to form a communication with the navy; we might have gone either to the left or right of the town, but there must have been a movement of a considerable force to have established a communication: the question is, in some degree, indefinite. Certainly a movement might have been made to the left, and a communication made with the river; but if it was meant that we should go to the Plaza del Tauros, we could not do that without.

Q. Could you have communicated with the shipping without dividing your force?

A. From the Recollata there might have been a communication opened with the river (the Recollata was in the rear of the Plaza de Tauros) by the left flank of the army.

*The witness withdrew.*

*Captain Charles Maxwell called in, and sworn.*

*Examined by the Judge Advocate.*

Q. I believe you were Aid-de-Camp to Major-General Gower in the expedition to Buenos Ayres.

A. I was.

Q. Did you at any time, and when, receive from Major-General Gower, a letter purporting to come from Lieutenant-General Whitelocke?

A. I did.

Q. When?

A. I received many letters of that description.

Q. On the 2d of July?

A. On the 2d of July, Major-General Gower gave one into my charge.

Q. Did you see the contents of that letter?

A. I did not read it.

Q. Was the letter, of which you have now spoken, that which you destroyed upon the 4th, to prevent its falling into the hands of the enemy?

A. It was.

*Judge Advocate.*—Then I need not trouble Captain Maxwell with any other questions: you did not read the contents of that letter at any time.

A. No; I did not: the General gave it to me upon the march, and I put it up with the rest.

*The witness withdrew.*

*Captain Whittingham called in, and sworn.*

*Examined by the Judge Advocate.*

Q. You were, I believe, upon Lieutenant-General Whitelocke's staff upon the expedition against Buenos Ayres.

A. I was an extra Aid-de-Camp.

Q. Did you, by Lieutenant-General Whitelocke's directions, convey any letter, written by his orders, to Colonel Mahon at Reduction on the 1st or 2d of July?

A. No; I did not.

Q. You were not, at any time during the march from Ensenada to Buenos Ayres, sent to convey any orders to Colonel Mahon.

A. I was not.

Q. After the arrival of the main body at the Miserere, did you, at any time, and when, proceed into the town of Buenos Ayres with a flag of truce, and for what purpose?

A. On the morning of the 4th, I was sent into Buenos Ayres with a flag of truce, and a letter to General Liniers.

Q. Did you see the contents of that letter?

A. I did not.

*Judge Advocate.*—I will now produce a copy certified from the Secretary of State's Office, as being a copy of that received from Lieutenant-General Whitelocke of the letter he sent into the town by Captain Whittingham.—*(It was read.)*

Q. I believe you brought back an answer to that letter.

A. I did not: I waited half an hour, the answer did not come, and I returned to head-quarters.

Q. How far did you proceed into the town upon that occasion?

A. Little more than a mile from head-quarters, I think.

Q. Did you communicate to Lieutenant-General Whitelocke, on your return, the observations which you had made of the strength and preparations of the enemy?

A. I saw nothing but their out-posts; and, during the time I was there, all hostilities were suspended.

Q. Did you examine the prisoners who were taken on the 2d?

A. I examined two officers.

Q. Will you state the account they gave you of the position, disposition to resist, and strength of the enemy?

A. They said that, previous to their leaving the town, the principal defences had been prepared on the side next to the river, and that they had heard it reported that General Liniers meant to occupy the streets of Buenos Ayres with columns of troops.

Q. Was that the substance of all the information they gave you?

A. That was all the information I was able to procure from them.

Q. Did you learn from them when they had left the town?

A. If I recollect, they had left the town on the 1st, the day before they were taken.

Q. Did you learn from them, or from any other information, whether the enemy had evacuated the position they had at the bridge?

A. I did not.

Q. I believe you understand the Spanish language.

A. I do.

Q. From your knowledge of the language, had you the means of obtaining information from any of the natives, upon the subjects to which I have already referred, between the period of your arrival at the Miserere, and the close of the 4th of July? and, if you had, state what was the substance of it.

A. The two officers I examined, appeared to be amongst the most intelligent of the prisoners.

*Judge Advocate.*—My object goes to learn, what information you received subsequent. It appears that those

whether you received any information relating to a p
subsequent to their leaving the town.

A. I received none subsequent to that.

Q. Do you know what information was communic
by Mr. White upon those subjects?

A. I do not.

Q. Was the station in which the Commander of
forces was to be found upon the day of the attack, noti
to your knowledge, in orders, or otherwise, to the Gen
and the other officers of the army?

A. I do not know that it was.

Q. Were the points of retreat, if retreat should bec
necessary, pointed out in any manner to the Generals
other officers of the army?

A. Not that I know of.

Q. Were your quarters at Mr. White's house, or
near the head-quarters?

A. I was at Mr. White's house with the General.

Q. Did the Lieutenant-General make any re
noisance towards the town?

A. I was not present at any.

Q. As it is possible you might have known of some
connoisance at which you were not present, do you k
of any having been made?

A. I do not.

Q. If any had been made, must you not have kn
of it?

A. I should think I must.

*General Whitelocke.*—I have many questions to
Captain Whittingham, but I shall reserve them for my
fence.

*Examined by the Court.*

Q. Did you see General Liniers, or any other prin
officer, when you went into the town with the flag of tr
and had you any conversation with any officer that
saw there?

A. I did not see General Liniers: I delivered the l
to an officer of artillery, who commanded that part of
enemy's out-posts: I had no particular conversation.

Q. Did you examine the guides on the march from Ensenada; and if so, were those with Lieutenant-General Whitelocke's columns, and those with Major-General Gower's column ever confronted?

A. There was no particular examination of the guides till we came to Reduction. I do not know that those with General Whitelocke's column, and those with General Gower's column, were ever confronted.

*The witness withdrew.*

*Judge Advocate.*—I may as well take this opportunity of reading the answer to that letter which I have already proved to have been sent in by Lieutenant-General Whitelocke. It is admitted by General Whitelocke to be correct.—*(It was read.)*

*Rear-Admiral George Murray called in, and sworn.*

*Examined by the Judge Advocate.*

Q. Will you state whether any, and what, means were taken to ascertain the propriety of landing at the Ensenada de Barragon, in preference to other places?

A. When I arrived at Monte Video, I found Admiral Stirling had sent Colonel Bourke, the Quarter-Master-General, up the river in the Fly sloop, for the purpose of ascertaining the best place for landing the troops. Admiral Stirling informed me that Ensenada de Barragon was thought to be the best place both by Colonel Bourke and Captain Thompson of the Fly; and, as General Whitelocke was particularly anxious to put his orders in force, this place was thought the best adapted for the purpose, and therefore no other was at that time looked for.

Q. What means were taken, and with what success, for provisioning the army on its landing, and during its subsequent operations?

A. The transports that came from the Cape of Good Hope with me, had nearly three months' provisions in them for 5000 men. The greater part of these transports went up the river with the troops; besides which, there

were, I think, two victuallers, which had a quantity of provisions in for the army.

Q. What measures were taken with a view to co-operation between the sea and the land forces, more particularly whenever the latter should have obtained a position to the westward of the town? and state the cause why such measures were not carried into effect.

A. I informed the General, upon leaving Barragon, that whenever he came to the water-side, of course I should communicate with him; and the day after leaving Barragon, transports were sent up, by my direction, to anchor as near Buenos Ayres as the shoalness of the river would permit. Other transports, with a victualler, I kept in shore, as near as they could go, between Barragon and Buenos Ayres, for the purpose of landing provisions for the army, in case the General should have occasion for them; and on the 1st of July, perceiving the army on their march near the village of Reduction, I sent an officer on shore to communicate with the General, and to ask whether he was in want of any thing that the squadron could supply him with. The officer returned on board the Nereide the next morning, and informed me that the General wished very much I would land bread and spirits for the army. The quantity required at that time by the officer commanding the division which was near shore, was immediately landed. The officer at the same time observed, that he believed a depôt of provisions would be necessary at Reduction: a quantity was immediately ordered to be landed, part of which was on the beach, when the officer was informed that that division was to march on, and of course there was no person to take charge or to keep the provisions. Provisions were likewise ready to be landed, if required, after our troops took possession of the Plaza del Tauros. Three days' provisions were ordered to be dressed for the troops when they disembarked at Barragon, and three days' bread and spirits were reported to me to have been landed, I think on the 2d of July, for the division of the army commanded by Colonel Mahon. More could have been landed if Colonel Mahon had wished for it.

*Judge Advocate.*—There is one part of the question

which does not appear to have been answered—with respect to the measures to be taken for co-operation when the troops had got possession of the town.

A. The transports having the artillery, the heavy cannon, were ordered to the westward of the town on the 3d of July, by particular request of General Whitelocke, having received a letter from Colonel Bourke the Quarter-Master-General, I think on the 2d of July, stating that it was the General's direction that he should inform me of his intention of marching to the westward of the town, and requesting I would order the vessel having the heavy artillery into that place. I likewise ordered the four gun-boats, with such armed vessels as drew but little water, under the command of Captain Thompson of the Fly. These gun-boats, and the vessel having the heavy artillery on board, were to the westward of the town on the 4th, the gun vessels being ready to co-operate with the army whenever it might be thought necessary; understanding from the letter from Colonel Bourke, as well as from the conversation that passed between the General and myself, when on board the Nereide, that it was the General's intention to make his attack from the westward of the town.

Q. How near could the transports approach the shore at Point Quilmes?

A. I think they might have approached as near as a mile or thereabout, as there is a channel within side of the bank; but the depth of water is very uncertain, as it is governed so much by the winds, and falls suddenly, with the wind at north north-west, seven or eight feet.

Q. How far was it practicable to bring vessels to the westward of the town, with a view of landing artillery and stores; and what facilities did the mouth of the Chuello afford for that purpose? and state the cause why no attempt was made of this nature on these or on any other points.

A. To the westward of Buenos Ayres and off Buenos Ayres, it is so very shoal, that the vessels could not, with safety, be brought to remain for any time within five or six miles of the landing place; for the gun-brigs, which drew very little water, were frequently aground within two;

three, and four miles of the shore. The entrance of the Rio Chuello, at low water, I understand to be nearly dry on the bar. I do not mean to state that there was any difficulty in landing the cannon, as the boats might have landed the cannon, and cannon was actually in the boats ready to land when the truce was made; of course, while the truce lasted, all operations of that kind were at a stand. When I say there was no difficulty in landing the cannon, I do not mean to say but that the water falling so suddenly would occasion its taking some time; but that the cannon might be landed.

Q. Do you mean to state that the circumstances which you have mentioned in your answer to the last question, presented insuperable obstacles to an attack upon the east of the town by a portion of the troops conjointly with the navy, at the same time when the town was attacked by the army in the opposite quarter?

A. I had no doubt that the gun-boats could have assisted in the attack on the east part of the town, but not so effectually as attacking it from the westward; and, as I conceived it to be General Whitelocke's intention to attack the town from the westward, the gun-boats were all there for that purpose.

Q. What was the quantity of small craft employed in the expedition to Buenos Ayres, and the quantity and nature of armed vessels drawing a small draft of water?

A. I do not think that there were more than five or six vessels that were of easy draft of water enough to assist in the attack on the town, for one or two of the gun-boats, which drew but little water, were at times aground during their attack.

Q. By the attack, you mean the attack on the 5th.

A. The attack on the 6th; the gun-boats were placed and kept up a fire on the 6th.

Q. What number of seamen were landed with the army on the 28th and 29th?

A. I think about 220, besides officers: upwards of 200 certainly were landed with the artillery to march on with the army.

Q. Had you any communication with Lieutenant-General Whitelocke upon the subject of the number of sea-

men that could be spared by the fleet to assist in the operations of the army? and if you had, state it.

A. General Whitelocke requested I would allow of 440 seamen being landed, which number were ordered, and were sent up the river for that purpose; but, finding that the boats for landing the troops would require a great number of these men to man them, I informed the General that half that number should land with the first division, and march on under his direction; that the other half, after the troops were landed, he should have, if he found it necessary, although I had left the ships at Monte Video very short of men, having landed, by the General's request, the marines of the squadron at Monte Video. When the troops were landing, Captain Frazer of the artillery informed me that, if we could land the horses, he did not think he should have occasion for more seamen; and no request being made for the 220 seamen which had been kept for disembarking the troops, I concluded that they were not wanted; and, on the army marching on from Barragon, I sent them down to their ships at Monte Video.

Q. Subsequently, then, to the landing of the troops, no request was ever made to you, on the part of Lieutenant-General Whitelocke, to land the other 220 seamen.

A. None.

Q. Have you got Colonel Bourke's letter?

A. No, I have not: I have left it with my papers at Portsmouth; I will write for it, and endeavour to get it up, if you wish it.

*Judge Advocate.*—I have no wish to have the letter; but if General Whitelocke wishes to have it produced, it should be procured.

*General Whitelocke.*—Which letter does Admiral Murray refer to?

*Admiral Murray.*—When you were about to march on, Colonel Bourke wrote a letter, by your orders, requesting that I would order the fleet to the westward.

*General Whitelocke*—Just as the Court please: I have no wish whatever upon the subject.

*Judge Advocate.*—The Court have already the substance of the letter from Colonel Bourke, the writer of the

letter, and also from Admiral Murray; but, perhaps, it would be better that the Court should learn the contents of the letter from the letter itself; therefore, perhaps, it would be better you should have the goodness to write for it. The substance of the charges not having been read to Admiral Murray at the commencement of his examination, I should wish it should now be read.

*An abstract of the first and second charges was read to Admiral Murray.*

*Judge Advocate.*—Having heard those charges read, I would ask whether you have any other information to give upon the subject of them, than what you have already communicated to the Court, confining that information to the close of the 4th of July.

A. I can only state, that I believe every exertion was made use of by General Whitelocke to get up to Barragon, and that he was very anxious to put in force the orders which he had received. What occurred on shore, of course I cannot possibly be a judge of; and I did not see General Whitelocke again till the 7th of July.

*Cross-examined by General Whitelocke.*

Q. Do you remember the circumstances of our landing, and being obliged to look for a proper place, in consequence of the first men being obliged to wade through the water; and was not considerable delay occasioned by our being obliged to land in the creek?

A. The landing at first was certainly attended with the soldiers being wet getting out of the boats, but not to any great number; I believe four or five boats at most; but in about an hour a proper place was found for landing the troops, which was so very convenient during the remaining part of the day, and while the tide was in, that, not only the troops landed, but the artillery was landed without difficulty.

Adjourned to Monday morning 10 o'clock.

## FIFTEENTH DAY.

MONDAY, FEBRUARY 15, 1808.

*Lieutenant-Colonel Henry Torrens called in again.*

*Judge Advocate.*—I have to acquaint the Court, I have been informed that Lieutenant-Colonel Torrens wished to explain or to add something to his evidence; I now, therefore, call upon him to state any alteration he wishes to make.

A. I have to apologize to the Court for having omitted to state one fact relative to General Whitelocke's absence from head-quarters on the 4th of July. It is of a very trivial nature; but lest it should impeach my recollection on other points, I would state that General Whitelocke proceeded to the centre, on another occasion besides that which I have stated, on the 4th of July: if the Court wish me to state the particulars, I am very ready to obey their commands.

Q. Will you state the period and the length of his absence, and all the circumstances connected with it, within your knowledge?

A. About three quarters of an hour after General Whitelocke's return from the Coral the first time, I was riding in the centre with Major-General Gower. The piquets were then engaged; and, in consequence of a report from an officer relative to some movements on the part of the enemy, General Gower ordered the central brigade to get under arms, and hastily proceeded to head-quarters to report the circumstance to the General, and to purpose withdrawing the out-posts, to induce the enemy to leave their fastnesses in the town. General Whitelocke consented to the proposition, and immediately mounted his horse and proceeded to the centre. In the course of a quarter of an hour or twenty minutes, it was found that the manœuvre was not attended with the desired effect; and General Whitelocke ordered the post to be resumed, and then returned to head-quarters. It was subsequent to his return that the examination of the Spanish officers took place, which I have already related to the Court. I do

not recollect any thing further that occurred on that day. There is another part of my evidence which, with the permission of the Court, I should wish very much to explain. The letter which was written to General Gower on the 2d of July, was signed by me, although dictated by the General; therefore the quotation which I gave from it with regard to the General's intention of supporting the advanced column was incorrect, inasmuch as it was expressed in the General's person: I should have stated, "It is the "intention of the Commander of the forces to support "you with a column under his immediate command."

Q. How long was Lieutenant-General Whitelocke absent from head-quarters at the time you have last spoken of; and during his absence did he make any reconnoisance of the town?

A. He was absent about 20 minutes; but it is difficult for me to state that with any degree of accuracy; it may have been more, or it may have been less. It was about 20 minutes; and he did not make any reconnoisance of the town to my knowledge.

*The witness withdrew.*

*Captain John Squire called in, and sworn.*

*The abstract of the first two charges was read.*

*Examined by the Judge Advocate.*

Q. I believe you were Commanding Officer of Engineers, in the expedition to Buenos Ayres.

A. I had the honour to be Commanding Officer of Engineers.

Q. Had you any, and what number of, pontoons under your care, to assist the operations of the army on that expedition?

A. There were six pontoons, with all the necessary equipage, all the carriages to convey them.

Q. They were embarked at Monte Video.

A. Yes.

Q. Do you know the particular operation for which these pontoons were especially provided?

A. I understood these pontoons were prepared for the passage of the Rio Chuello.

Q. Were they ever landed, and when?

A. Part of them were landed on the morning of the 28th of June.

Q. Was that part re-embarked, or did they accompany the army?

A. They were re-embarked by the order of Colonel Bourke, the Quarter-Master-General of the army.

Q. Were they ever made use of during the expedition for any purpose?

A. No, never.

Q. Do you know why they were not used during the expedition?

A. Colonel Bourke, of the Quarter-Master-General's department, told me that there would be no occasion to disembark any stores in our department, except a few intrenching tools, at that time.

Q. This was at Ensenada.

A. Yes, at Ensenada de Barragon, the place of disembarkation.

Q. Do you know why they were not landed any where else, so as to be used during the expedition?

A. The point of Quilmes, below Reduction, was the only point where they could be disembarked afterwards: they were not disembarked there.

Q. My question is, whether you know why they were not disembarked?

A. I do not.

Q. Might they not have been disembarked at Point Quilmes, if it had been thought advisable?

A. I cannot speak from my own personal knowledge: I was not there.

Q. Will you state the quantity of intrenching tools which accompanied the army, and when they were delivered to the troops, and in what proportion?

A. Very few intrenching tools were disembarked, merely sufficient to fill a small hand-cart that was drawn by men.

Q. Was that number the whole that the troops had with them previous to the close of the 4th of July?

A. At the Coral de Miserere, after the action of the 2d of July, we found an intrenching-tool cart belonging to the enemy, in which there were a few.

Q. Was any account taken of the number of intrenching tools in the cart you have spoken of, taken on the 2d of July?

A. I took an account of them myself, but the number was very inconsiderable; I do not recollect the number exactly, but a very small number indeed.

Q. Have you that account?

A. No, I have not.

Q. Is it destroyed?

A. It was lost: I lost several things.

Q. Was the number of intrenching tools in the hand-cart landed at Ensenada, added to that inconsiderable number taken from the enemy on the 2d, the whole which the troops had at the close of the 4th?

A. The whole of the intrenching tools.

Q. Were you in possession of any plan of Buenos Ayres and its environs, previous to the army landing at Ensenada; and previous to the leaving Monte Video did you ever, in communication with the Commander of the forces, Lieutenant-General Whitelocke, consider the most eligible arrangements for establishing the troops in the vicinity of Buenos Ayres, and the most advisable plan of attack upon the town?

A. I obtained a copy of the plan of the town of Buenos Ayres from Lieutenant-Colonel Bourke, the Quarter-Master General.

Q. At what time?

A. On my arrival at Monte Video: I arrived with General Craufurd. The Commander in Chief never did me the honour to consult me upon the subject of the attack.

*Judge Advocate.*—I am not quite sure whether you understood the precise object of the question: it is not merely whether you were consulted with respect to the plan of attack actually put into execution, but whether previous to leaving Monte Video, or at any other time, you had any communication with the Commander of the forces on the subject stated in the question.

*The question and answer were read over.*

*Judge Advocate.*—Did you mean to state that as a general answer? undoubtedly it is an answer to the question.

A. I never considered myself as consulted previous to the attack.

*Judge Advocate.*—I perfectly understand the purport of your answer, which is, that you were not consulted at all; but, in the words in which the answer is given, it admits still of ambiguity; for you might have been consulted about a plan of attack, although you were not consulted about the plan of attack actually put into execution. If you never were consulted at all, which I understand you to state, perhaps instead of saying, "He did not consult "me upon the subject of the attack," if you state, "He "did not consult me upon any plan of attack," that will be more explicit.

A. I would add, nor upon the subject of the operations.

Q. By the operations, do you mean as to any operations against the town?

A. Relative to any operations previous to the attack I mean.

Q. From your local observations of the environs of Buenos Ayres, are you of opinion the town was sufficiently commanded by any ground in its vicinity, so as to have allowed batteries to have been established with effect against the place?

A. My answer will relate now to the period subsequent to the attack.

*Judge Advocate.*—I do not mean to apply the question to that period. I thought that it was probable Captain Squire might have seen sufficient of the town previous to the 5th, to answer that question. If that was not so, if you will be kind enough to say so, I will alter my question.

A. I do not imagine you could carry on your operations with effect from the Coral de Miserere; the town could not be said to be commanded by any ground near it.

Q. Was there any other ground which the army might have occupied, that would have had the effect stated in the last question, namely, that of affording the means of erecting batteries, so as to command the town?

A. I think the ground to the northward of the city would have been extremely favourable.

Q. Was any acc [illegible] e town; and
ing tools in the ca [illegible] ect would it
of July? [illegible] and the com-

A. I took an [illegible]
was very inconsi [illegible] out one mile and a
actly, but a very [illegible] the town; and,

Q. Have yo [illegible] have been an ad-

A. No, I h [illegible] n account of the

Q. Is it d [illegible]

A. It was [illegible] en you and Lieute-

Q. Was [illegible] ect of your holding
cart landed [illegible] Gower? and if there
ber taken f [illegible]
troops had [illegible] Major-General Gower's

A. Th [illegible] Whitelocke's, with the

Q. W [illegible] Chief I accompanied Ge-
Ayres a [illegible] eral Whitelocke till the
Ensena [illegible] day or on the following,
did yo [illegible] pressed himself dissatisfied
the fo [illegible] who commanded the ar-
most [illegible] ourselves to the
the v [illegible] Then Lieutenant-Gene-
of at [illegible] near his person on the

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nc [illegible] any thing in the
tl [illegible] holding communi-
[illegible]

d [illegible] me not to hold
[illegible] Major-General Gower in

[illegible] have been, in your
[illegible] to have carried
[illegible] batteries in advance

[illegible] it would have been a

[illegible] have no question to trouble
[illegible]

*Examined by the Court.*

*Lord Cathcart.*—Can you state whether the conversation which you have stated to have passed with Lieutenant-General Whitelocke, relative to your not holding so much communication with Major-General Gower, took place before ten o'clock on the morning of the 4th?

A. A circumstance which I have noted brings to my recollection, that this conversation took place about two o'clock on the 4th.

*Sir John Moore.*—I think that Captain Squire has given an answer which, as an engineer, he would not like to stand upon record: I conceive he was under some mistake. He has said, that the Recollata was a favourable point to establish batteries against the town; surely he would not think that at two miles distance it was a proper place.

A. I said, a proper place to advance from.

*The question and answer were read.*

*Sir John Moore.*—You would not establish batteries against an open town, two miles distance: it was a very good place to communicate with the sea, but not to erect batteries.

A. It was not my intention to state that they should erect their batteries at the Recollata; but in advance, towards the town. To the best of my judgement, it would have been a favourable point to have occupied.

*Sir John Moore.*—Certainly, for the army to occupy to communicate with the sea; but it could not be of any service to erect batteries there. It was merely with a view to Captain Squire himself that I wished the correction to be made; I thought it was put down in a way which Captain Squire would not wish.

*Judge Advocate.*—You mean, that it would have been a favourable point for the army to have occupied to communicate with the sea, and so as to have commenced their further operations.

A. Just so; with a view to the further operations of the army.

*A Member.*—Did you never offer your opinion to the Commander of the forces, on the best means of attacking the town, although he did not consult you on that subject; and if you did not, what were your reasons for not doing so?

A. I never did offer my opinion; I should not have thought myself justified in obtruding it: I should not have presumed to have done so, unless I was consulted.

*The witness withdrew.*

*Captain Alexander Dixon called in, and sworn.*

*Examined by the Judge Advocate.*

Q. I believe you were Captain of the Artillery in the expedition against Buenos Ayres.

A. I was.

Q. What division of the army did you accompany in the march from the heights to the Miserere?

A. That under the command of Colonel Mahon.

Q. How many pieces of artillery were with that division of the army?

A. On the first movement from the heights only five: I joined Colonel Mahon on the heights.

Q. Were you joined by any other pieces of artillery during the march from the heights to Reduction?

A. By none.

Q. Then was five the whole number of pieces of artillery with that division when it reached Reduction?

A. I moved from the Ensenada de Barragon with the part of the artillery, but did not join the corps under Colonel Mahon till I reached the heights.

*Judge Advocate.*—My object is, that the Court should know what number of pieces of artillery Colonel Mahon's division had when it reached Reduction?

A. Five.

Q. How many pieces of artillery were landed in all at Ensenada?

A. Sixteen.

Q. Does that number include the five Spanish guns spiked in the swamp or not?

A. Those guns are included.

Q. Was part of the division of the army under Colonel Mahon delayed by the necessity of halts for the artillery to keep up?

A. Occasionally in passing water courses; but no considerable delay.

*General Whitelocke.*—I have no questions to trouble Captain Dixon with.

*Examined by the Court.*

Q. Was the artillery drawn solely by horses?

A. By horses, sailors, and with the assistance of the artillerymen, and occasionally detachments from the infantry.

Q. Do you know what number of seamen were attached to that division of the army?

A. I never saw any return of the seamen; but I am nearly confident, from 140 to 150.

Q. Was an additional number of horses embarked for the purpose of expediting the movements of the artillery?

A. I do not perfectly comprehend the question: there were six horses embarked for each gun and each ammunition-car, which is two more than is used in England.

Q. What number had you attached to your division of the army for the purpose of transporting the artillery?

A. I can give an explanation as far as the division I commanded:—there were embarked at Monte Video, for the brigade of guns that was under my direction, of mules and horses 64; that allowed six horses to each gun and each carriage attached to the field-pieces; I mean the ammunition-cars.

Q. Were all those horses you have spoken of disembarked at Ensenada?

A. The horses were all landed; but, from the awkwardness of the seamen and people employed in landing them, I think at least forty horses belonging to the whole department made their escape on joining the park: the divisions were thrown together, and any independent divided command ceased; so that I was not afterwards attached to any particular gun, but moved with the whole corps.

Q. How many horses had each of the five pieces under your command?

A. They diminished daily, from getting loose and escaping; to give any correct return of them now, would be out of my power.

*Major Philip Gideon Roache called in, and sworn.*

*The abstract of the first and second charges was read.*

*Examined by the Judge Advocate.*

Q. I believe you were on Brigadier-General Lumley's staff in the expedition against Buenos Ayres.

A. I was.

Q. Did you, at any time on the 3d of July, go into the town of Buenos Ayres with a flag of truce? if so, state to the Court on what occasion you went in, and what passed.

A. About midnight on the night of the second, I received a message from General Gower to come to his quarters. He told me that I was to go into Buenos Ayres, at day-light on the morning of the 3d, with a flag of truce, to summon the town to surrender to the British Government. He gave me written instructions in order to take with me, which I have in my pocket.

*Judge Advocate.*—I do not know how those instructions can affect the charges against General Whitelocke. Did you receive from Major-General Gower any letter to General Liniers?

A. Subsequent to those instructions I did.

Q. That was previous to the second time of your going.

A. Yes.

Q. In consequence of instructions you received from Major-General Gower, did you proceed into the town?

A. I proceeded into the town, according to the orders I received from Major-General Gower, with those instructions.

Q. Will you state all that passed during your execution of these orders?

A. In obedience to Major-General Gower's order, I was on horseback at day-light on the morning of the 3d,

with a corporal of the 17th light dragoons carrying a flag of truce, and a trumpeter. I asked General Gower's permission to allow me to take a Spanish officer in, in order that no time should be lost in finding the shortest way into the town; but in passing the British out-posts, the field officer commanding recommended that I should take a party of the rifle corps in with me, which I accordingly did, an officer and twelve privates. We proceeded with some difficulty, until I penetrated a considerable way into the town before we stopped. After some considerable delay, the second Spanish officer in command came to me; General Ellio he is called; and upon my making known to him the orders which I had the honour to convey, he said I could not see General Liniers upon any account; but, that if I had any communication to make from the English General, he would convey it to him. I told him I had the honour to carry proposals for the surrender of the town. He answered in Spanish, with a great deal of animation, that they, meaning the Spanish, possessed sufficient strength and spirit to defend the town. But, as it appeared to me of great importance, if possible, to commence some negociation, I endeavoured to draw him into it; and the only thing he would consent to was, that I should return to my General, in order that he should make such communication as he thought proper in writing; upon which I returned, and acquainted General Gower to that effect; who immediately went to his quarters, and wrote a letter, which I had the honour to take back into the town again. That is immediately what relates to the flag of truce. If you wish to have the original instructions from Major-General Gower, I have them in my pocket.

Q. Did you, in the conversation of which you have just been speaking, state any precise terms?

A. General Ellio would never allow me to enter into the precise terms of the instructions I had. I spoke generally, using all the persuasion I was master of, to influence him to a capitulation; and represented our force. The instructions are signed by General Gower himself.

Q. Will you read them?

letter, and also from Admiral Murray; but, perhaps, it would be better that the Court should learn the contents of the letter from the letter itself; therefore, perhaps, it would be better you should have the goodness to write for it. The substance of the charges not having been read to Admiral Murray at the commencement of his examination, I should wish it should now be read.

*An abstract of the first and second charges was read to Admiral Murray.*

*Judge Advocate.*—Having heard those charges read, I would ask whether you have any other information to give upon the subject of them, than what you have already communicated to the Court, confining that information to the close of the 4th of July.

A. I can only state, that I believe every exertion was made use of by General Whitelocke to get up to Barragon, and that he was very anxious to put in force the orders which he had received. What occurred on shore, of course I cannot possibly be a judge of; and I did not see General Whitelocke again till the 7th of July.

*Cross-examined by General Whitelocke.*

Q. Do you remember the circumstances of our landing, and being obliged to look for a proper place, in consequence of the first men being obliged to wade through the water; and was not considerable delay occasioned by our being obliged to land in the creek?

A. The landing at first was certainly attended with the soldiers being wet getting out of the boats, but not to any great number; I believe four or five boats at most; but in about an hour a proper place was found for landing the troops, which was so very convenient during the remaining part of the day, and while the tide was in, that, not only the troops landed, but the artillery was landed without difficulty.

Adjourned to Monday morning 10 o'clock.

## FIFTEENTH DAY.

MONDAY, FEBRUARY 15, 1808.

*Lieutenant-Colonel Henry Torrens called in again.*

*Judge Advocate.*—I have to acquaint the Court, I have been informed that Lieutenant-Colonel Torrens wished to explain or to add something to his evidence; I now, therefore, call upon him to state any alteration he wishes to make.

A. I have to apologize to the Court for having omitted to state one fact relative to General Whitelocke's absence from head-quarters on the 4th of July. It is of a very trivial nature; but lest it should impeach my recollection on other points, I would state that General Whitelocke proceeded to the centre, on another occasion besides that which I have stated, on the 4th of July: if the Court wish me to state the particulars, I am very ready to obey their commands.

Q. Will you state the period and the length of his absence, and all the circumstances connected with it, within your knowledge?

A. About three quarters of an hour after General Whitelocke's return from the Coral the first time, I was riding in the centre with Major-General Gower. The piquets were then engaged; and, in consequence of a report from an officer relative to some movements on the part of the enemy, General Gower ordered the central brigade to get under arms, and hastily proceeded to head-quarters to report the circumstance to the General, and to purpose withdrawing the out-posts, to induce the enemy to leave their fastnesses in the town. General Whitelocke consented to the proposition, and immediately mounted his horse and proceeded to the centre. In the course of a quarter of an hour or twenty minutes, it was found that the manœuvre was not attended with the desired effect; and General Whitelocke ordered the post to be resumed, and then returned to head-quarters. It was subsequent to his return that the examination of the Spanish officers took place, which I have already related to the Court. I do

Q. Can you state how far you did proceed into the town from the suburbs?

A. I suppose I got within less than a quarter of a mile of the ford.

Q. What was the nature of the difficulties with which your progress was attended?

A. Considerable firing, which never ceased. I was aware that difficulty would exist, having been sent into Monte Video in the same way.

Q. Did you observe any, and what, preparations for the defence of the town?

A. I saw no guns: the houses were all barricaded, all shut up, and the whole population armed.

Q. Did you see any other preparations?

A. Nothing, but all descriptions of people, men and boys, armed.

Q. You, of course, delivered the answer to Major-General Gower.

A. Certainly; and every observation which I had made upon the town: they then were about to make an attack upon us as I came out.

Q. Do you recollect at what hour of the day you left the town the last time you went into it?

A. I should think it must be between nine and ten o'clock, when I got back to General Gower the last time: I cannot speak accurately, but I think it was about that time.

*Cross-examined by General Whitelocke.*

Q. You have said that General Ellio spoke with considerable animation; can you recollect and state his particular expressions, and how they applied?

A. The literal translation of the words he used was, "We possess sufficient strength and courage to defend our "town;" expressed with a great deal of animation and energy. The moment I told him the purport of my errand, he immediately put his hand to his breast, and said, with great energy, that they possessed sufficient strength and courage to defend the town.

Q. From your intercourse with the inhabitants in consequence of your knowledge of the Spanish language, are

you able to inform the Court who were considered as the instigators and the principal actors in the insurrection against, and breach of treaty with, General Beresford?

A. I heard many names mentioned, from the intercourse I had, being employed by Sir Samuel Achmuty among the Spaniards; but I cannot speak positively to any name. I know that those in power, at the time General Whitelocke arrived before Buenos Ayres, were many of them the people principally instigating the insurrection against General Beresford.

*Examined by the Court.*

*Lord Cathcart.*—Do you recollect whether Lieutenant-General Whitelocke ever examined you upon the subject of what you had seen when you went into Buenos Ayres on the 3d of July?

A. I understood that every thing that I had communicated to General Gower was reported by him to General Whitelocke; who also himself, in a day or two afterwards, asked me the particulars of what had occurred.

Q. Was that previous to the 5th, that you communicated to Lieutenant-General Whitelocke?

A. Yes; to the best of my recollection it was the evening on which General Whitelocke came up. He did not send for me particularly to ask me; but he said to me, "Roache, did not you go in with a flag of truce?" I said, "Yes;" and he asked me what occurred.

*Judge Advocate.*—There is an apparent incorrectness in your evidence. You state that it was on the 3d, and that you communicated it to General Whitelocke a day or two afterwards, but yet that you think it was the evening that he came up, which was on the 3d.

A. To the best of my recollection it was not on the 3d, I think it was on the 4th: it made no particular impression on my recollection, as I was not sent for immediately.

*A Member.*—Had you stated the whole of your instructions to the Spanish General at the time he so warmly protested against the surrender of the town?

A. No: I stated generally our great force, the disposition of the Commanding General to do every thing which humanity could suggest, and that all private property

should be respected. I did not touch upon the point of the Spanish prisoners of war.

Q. Did you learn from General Ellio, or the Aid-de-Camp, whether the bridge was evacuated, and whether the whole armed force of the Spaniards was in the town?

A. Nothing relative to the evacuation of the bridge took place: I endeavoured to impress upon him that we had defeated the whole Spanish army the night before.

Q. Was that article respecting the civil officers being included as prisoners of war, mentioned to General Ellio, and did he particularly object to it?

A. Certainly not: I thought it best, in the disposition I found him, not to mention that subject.

*Joseph Bullock, Esq. called in, and sworn.*

*The abstract of the first and second charges was read.*

*Examined by the Judge Advocate.*

Q. Were you at the head of the commissariate employed in the expedition against Buenos Ayres?

A. I was.

Q. Have you any return of the whole amount of the provisions embarked for that expedition?

A. I have.

*It was delivered in and read.*

Q. Have you a return of the quantity of provisions landed for the troops at Ensenada?

A. I have.

*It was delivered in and read.*

Q. What number of horses were embarked at Monte Video for the transport of the provisions, before you left Monte Video?

A. None; there were no horses specifically provided by me, nor by the department, for the purpose of transporting the provisions on the other side of the river.

Q. What number of horses were appropriated for that purpose upon the landing at Ensenada?

A. There were about sixty dragoon horses.

Q. Was that the whole number?

A. I cannot positively speak to the precise number: it was about that.

Q. At the landing.

A. Yes.

Q. How long were these horses employed in the service of the commissariate?

A. They were only attached to the commissariate.

Q. How long were these sixty horses attached to the commissariate?

A. During the whole course of the march to Buenos Ayres.

Q. Was there no greater number than the sixty horses you speak of employed in the transport of provisions across the marsh?

A. No; there were only about twenty-five that actually took provisions from Ensenada.

Q. What became of the other thirty-five?

A. Many of the others broke loose, and lost the supplies that were at first put on them; and the rest would not bear any on their backs.

Q. Do you mean to state that the 25 horses you have mentioned were employed in conveying the provisions from the heights to Buenos Ayres?

A. And from Ensenada on the march.

Q. On the march from Ensenada to Buenos Ayres, the 25 horses were employed for that purpose.

A. Yes; but they delivered provisions on the way: they did not carry the provisions the whole of the way to Buenos Ayres.

Q. Had you any communication, and of what nature, with Lieutenant-General Whitelocke, previous to the army leaving Monte Video, with respect to the mode by which the necessary supplies of provisions and forage would be assured to the army on its march to Buenos Ayres; and what arrangements were made on that head?

A. On my arrival at Monte Video on the 15th of June, I waited upon the Commander of the forces, when he introduced me to Lieutenant-General Bradford, the Deputy-Adjutant-General, Lieutenant-Colonel Bourke, the Deputy-Quarter-Master-General, and Lieutenant-Colonel Torrens, the Military Secretary; observing, that as I

should have much communication to have with those officers, they were at liberty to make me acquainted with all particulars. Supposing it to allude to the service in general, the next day, or the day following, I am not positive as to the day, I called upon the Deputy-Quarter-Master-General, requesting all necessary information, as far as might concern my department, relative to the expedition up the river Plata, and especially wished to know how far from the town of Buenos Ayres the debarkation was likely to take place; upon which he intimated to me that, as the landing would not be more than five or six miles from the town, it would be only necessary for me to send one of the officers of my department on shore as soon as possible with the Lassomen, in order to seize upon all cattle, or any thing else in the way of supplies, that might be found on the spot. Conceiving, therefore, that nothing more was required of me, I did not trouble the Commander of the forces with any direct application relative to what might be required of me. I thought it only further necessary to suggest the expediency of landing seven days' supply of provision, immediately after the troops had landed, in order to guard against want; although Colonel Bourke gave reason to hope that the British forces would be in possession of the town of Buenos Ayres in the course of the second, or, at furthest, the third day after landing; therefore I had no reason to expect the army would have had so long a march to make; and consequently did not think of making any preparation for the transporting of supplies. But in order to convey seven days' supplies, which I recommended to be landed from the water's edge, to a secure and dry place of deposit, I further suggested the expediency of taking six small carts with mules for that purpose; and, upon that being approved of, the carts and mules were procured by requisition in the town of Monte Video, and were embarked accordingly.

Q. When was the alteration in the place of landing intimated to you?

A. The alteration was not intimated to me at all before leaving Monte Video. I only knew it from the circumstance of the fleet's arrival off Ensenada, and the troops

going on shore. I beg to correct that last part: it was made known to me by the General on my waiting upon him on board-ship off the Ensenada; he then informed me the troops were going to land there.

Q. Had you no direct communication personally with the Commander in Chief himself at Monte Video, respecting the supplies for the army previous to leaving Monte Video?

A. In a general way I had. On the 9th of June I gave the Commander of the forces a general statement of all the supplies that were in magazines in Monte Video and on board ships, distinguishing the quantities which were to go up the river for the service on the other side; and I also requested to know his pleasure respecting the supplies which he would have otherwise provided for the service; upon which I received his instructions to collect provisions at that town (Monte Video) for a given number of men for a certain time, I cannot say the time, because I have not the paper with me; but I could not have acted upon that order, which went to provide otherwise for the service, until we had got possession of the town of Buenos Ayres.

Q. Will you explain what you mean by providing otherwise for the service?

A. Establishing magazines: I requested to know what magazines he wished to have established.

*Sir John Moore.*—We understand that the Commissary-General is stating the directions which were given to provide magazines for the garrison left in Monte Video: that is not the intention of the question.

*Judge Advocate.*—The question applies to whether you had any communication with General Whitelocke, and, if you had, what it was, before you left Monte Video, relative to supply of provisions for the army employed in the expedition to Buenos Ayres.

A. I understood it applied in a general way, whether I had any communication with General Whitelocke relative to supplies for the army.

*Judge Advocate.*—Then I will put the question with an addition: What direct communication had you with the

Commander of the forces himself with respect to the supply of provisions to the army employed in the expedition against Buenos Ayres?

A. I had no other communication with the Commander of the forces when at Monte Video, relative to the supplies for the army on the expedition, beyond the returns which I gave him of the supplies that were going up with the troops.

Q. Had you any direct and personal communication with Lieutenant-General Whitelocke as to the place of landing the troops, and the means of provisioning the army during its march to Buenos Ayres?

A. No; I had not until I had landed at Ensenada, when I was ordered to land three days' supplies of biscuit and spirits, which was effected on the 29th of June; and upon my wishing to know from the General himself how those supplies which were landed were to be disposed of, and conceiving at the same time that they were intended for immediate issue, the General expressed surprise at my not knowing that the cavalry horses were with pack-saddles, to be appropriated for the transport of the provisions with the army; upon which I addressed myself to the Quarter-Master-General relative to those horses and pack-saddles which were at the time landing. The next morning, on the 30th, the greatest difficulty was experienced in getting any of the horses to bear the saddles, much less any additional burden of supplies; therefore only a small quantity of biscuit, about 2500 pounds, could be carried on to the army. The spirits were attempted to be taken in two of the carts which I had originally suggested to be brought over merely for the transporting the supplies for a short distance; but the spirits were obliged to be left on the ground, owing to the rottenness of the soil, the mules not being able to draw the carts. And finding all attempts to carry on supplies to any amount were ineffectual, I set of with Colonel Bourke to join the Commander of the forces, who had previously marched from Ensenada; Colonel Bourke having expressed an opinion that the army would be obliged to return and re-embark; insomuch that upon my wishing to destroy the only cask of spirits that was left on the

ground, the others having been previously staved, he recommended my leaving it in its then present state, under the idea that the army would so return.

Q. What became of the horses which you state would not bear the pack-saddles?

A. Some ran away from the men who held them; others came on with the pack-saddles only, but without any supplies: there were several that came on with pack-saddles, but without bearing any other weight.

Q. What became of the provisions those horses were to have conveyed?

A. Part of them were re-embarked after the army had marched.

Q. Upon what ground did it appear to you to be probable that the army would return to the landing place from the heights?

A. In consequence of not being able to take on provisions for their support. A great part of the supplies which were attempted to be carried on from Ensenada on the pack-saddles were destroyed, by the horses kicking and plunging, and throwing the biscuit into the dirt.

Q. In any of the returns you have delivered in, is the quantity and the kind of provisions with which the army left the heights of Barragon included?

A. Yes, it is.

Q. And the different issues made to the different divisions of the army during the march?

A. Yes; that is stated in the returns I have delivered in this morning: there were also some supplies landed at Quilmes.

Adjourned till to-morrow morning ten o'clock.

*Joseph Bullock, Esq. called in again.*

*Judge Advocate.*—Perhaps it would be desirable that the evidence the Commissary-General has given, should be read over to him before any other questions are asked.

*The evidence of Mr. Bullock was read over, and the following correction made.*

After the words, " by the horses kicking, plunging, and " throwing the biscuit into the dirt."

*Mr. Bullock.*—I wish to add, This opinion was founded upon the opinion before expressed by Colonel Bourke, that the army would be obliged to return to Ensenada.

*Examined by the Judge Advocate.*

Q. Were three days' provisions the whole amount of the provisions you were directed to land at Ensenada?

A. Yes.

Q. You have stated that, by a requisition upon the town of Monte Video, some carts were obtained for the conveyance of provisions. Could not means of the same kind have been procured to a much greater extent, if it had been thought advisable?

A. I do not think they could.

Q. Had you any directions as to procuring Lassomen to accompany the army?

A. The Deputy-Commissary-General, who had charge of the department at Monte Video previous to my arrival, had the arrangements to make for the service of the department going on the expedition; and he had directions to get a number of these Lassomen, but was unable to

procure, or to induce, more than four or five men of that description to proceed with the army.

Q. Had you any men to take charge of the horses which were allotted to your department on the landing at Ensenada?

A. They being dragoon horses, the dragoons were attached to my department to assist in bringing on the horses with the supplies.

Q. Had you any communication or orders from Lieutenant-General Whitelocke after your arrival at the heights, and during your march from thence to Buenos Ayres, upon the subject of provisions and forage for the army, up to the night of the 4th of July? and, if you had, state what they were.

A. I did not join Lieutenant-General Whitelocke on the heights until the 30th of June, when the army was preparing to march forward; and I did not receive any orders from him relative to the supplies on the march, excepting the delivery immediately of the small quantity of biscuit which was carried across the swamp; but there not being time for its being delivered out, in consequence of the sudden movement of the troops, the greater part of that biscuit was ordered to be carried on. The troops received meat sufficient for two days' consumption previous to marching.

*Judge Advocate.*—I am asking as to any orders you received during the whole of the march to Buenos Ayres.

A. At Quilmes, or Reduction, General Whitelocke gave me reason to hope that the army would receive supplies from the shipping; but I received no orders particularly upon the subject. When the army arrived near Buenos Ayres, on the 3d of July, they received regular supplies of biscuit as far as the regiments chose to send for that article to head-quarters, where the biscuit was found or made: this goes only to the main body of the army; the column under Major-General Gower having proceeded throughout the march forward without any communication being made to me that it was so to go forward. The column under the command of Colonel Mahon received four or five days' supply of bread and spirits at Reduction; and the troops, in general, received fresh

meat at different places, but not always to the full extent of what they ought to have had, had there been a sufficiency of cattle procured. The column under General Gower commenced also receiving bread near Buenos Ayres on the 2d of July.

*Judge Advocate.*—The question I have put is, what orders or communication you had from Lieutenant-General Whitelocke up to the close of the 4th of July.

A. I have said I had no special orders given to me with respect to the supplies.

Q. State what supplies the troops actually received from the period you have last stated, when the army arrived on the 3d at Buenos Ayres.

A. That is included in the return I have given in.

*Judge Advocate.*—Perhaps it may be as well now to read to the Court an order which has just been put into my hand by General Whitelocke. Wishing, of course, as the Court must do, that the whole of the case should be examined, I suppose they will feel no objection to its being read: it is a general order given out at head-quarters, heights above Ensenada de Barragon, the 30th of June.

"The Commissary-General will take care that one of his department is sent forward with each body of the army: he will fix his quarters as near as possible to the Officer commanding, and consider himself responsible for every possible exertion being used to obtain without delay the necessary supplies for the troops."

It is not for me to judge what weight the order ought to have; but being put into my hands by General Whitelocke, I have thought it proper to read it.

*General Harris.*—The only point is, whether this is the proper time to put it in, or whether General Whitelocke should not reserve it for his defence.

*General Whitelocke.*—I produce the order now for Mr. Bullock's information, in case it should have slipped his memory.

*Mr. Bullock.*—I may observe upon that order I suppose.

*Sir John Moore.*—I suppose what was wished by the last question was, whether, after the communication was

opened, the army received their regular supplies: it will not appear to the Court from the returns, without giving themselves a great deal of trouble, whether they were the regular supplies or not.

*Judge Advocate.*—You have stated that, after the 3d, they got as much biscuit as they would send for: where was that procured?

A. A considerable part of it was found on the spot where the head-quarters were, and the house adjoining; and then there being bake-houses, persons were employed in baking as much as they could daily for the use of the army: as far as they chose to send for it, they had their regular supplies of bread after the 3d.

Q. Where was the wheat or flour, from whence that bread and biscuit was made, found?

A. It always was found upon the spot.

Q. That was after the army arrived at the Miserere.

A. Yes.

Q. Among the returns you have delivered in, is there a return of the provisions in the possession of the Commissariate at the close of the 4th of July?

A. No, there is not.

Q. Then state to the Court, what provisions were in your possession as Commissary-General at the close of the 4th of July.

A. The troops having, in great part, received their supplies daily after the 4th for several days from the same place, I should apprehend the quantity of biscuit remaining on the night of the 4th, must have been adequate for the supply of the whole army for four or five days. They also received their supplies of meat, and there was cattle remaining much in the same proportion for the future supplies after the 4th.

Q. Do you mean then to state, that there were supplies of provisions for the army on the night of the 4th, both bread and cattle, for four or five days?

A. Yes, I do; but I cannot speak positively.

Q. You have stated that, after the arrival of the troops at the Miserere, there was a regular supply of provisions, both bread and cattle: was that regular supply the con-

sequence of any previous arrangement, or solely from captures?

A. Solely from captures.

Q. Had you any means of supplying the army with provisions subsequent to their arrival at the Miserere, if no provisions had been found there?

A. I had none.

*Cross-examined by General Whitelocke.*

Q. Was not the qnantity you have stated to be landed at Ensenada, of which you have delivered in a return, exclusive of the three days' provisions carried by the men from the transports?

A. I understood it to be exclusive of them.

Q. Your return states 17,000 pound of biscuit left on the ground at Ensenada; was not that the biscuit destroyed by the kicking of the horses, and was not part of it lost in the swamp?

A. A small quantity of it was re-embarked; the remainder was lost in the way pointed out in the swamp, and by the kicking of the horses.

Q. Was every exertion made by yourself and Lieutenant-Colonel Bourke to carry the provisions and spirits on from Ensenada with the troops?

A. Undoubtedly; every possible exertion was made.

Q. Were not a sufficient number of sheep procured before day-light, on the morning of the 30th, to supply the whole army with two days' meat?

A. I have my doubts whether the quantity of sheep would have supplied the whole army to that extent, General Lumley's brigade and General Craufurd's brigade having marched from the ground previous to my arrival.

*General Whitelocke.*—I have other questions as to the quantities of provisions issued to the army during the march, but I should tire the Court by putting them now; I will, therefore, reserve them for my defence; and I shall prove that there never was any want of provisions.

*Examined by the Court.*

Q. Might not a number of seamen have assisted you in transporting the provisions across the swamp?

A. They would have been of no use in the undertaking.

Q. At what time of the day on the 2d of July was the delivery of biscuit made to Major-General Gower's advanced corps?

A. I cannot tell, not having been present myself.

Q. What means had you, then, of knowing that a delivery was made to them?

A. By the person who issued the supplies having given me different memorandums of acknowledgements of its delivery.

Q. Was that issue made from your stores?

A. They were part of the stores which were found upon the spot: there were no other stores than those I have described as being found at those two houses, that I know of.

Q. Did any person of the Commissary-General's department attend at head-quarters to receive orders; or how were the General's orders conveyed to you?

A. I invariably waited upon the General in person for such orders as he might have to give relative to the supplies.

*The witness withdrew.*

*Lieutenant-Colonel Thomas Bradford called in, and sworn.*

*The abstract of the first two charges was read.*

*Examined by the Judge Advocate.*

Q. I believe you were the Deputy-Adjutant-General in the expedition against Buenos Ayres.

A. I was.

Q. Will you state the effective strength of the army upon its landing at Ensenada?

A. 7822 rank and file, exclusive of 200 sailors.

Q. Will you state the effective strength of the different corps into which the army was divided on the morning of the 2d of July?

A. The main body of the army, immediately under the command of General Whitelocke, which advanced from Reduction on the 2d of July, consisted of 3847 rank and file. The force which advanced under the command of Major-General Gower on the 2d of July, amounted to about 2150 rank and file: it was impossible to get any correct return at that moment. I received no return from Major-General Gower; but I apprehend that is about the number that advanced. The force that remained at Reduction, under the command of Colonel Mahon, consisted of about 1844 rank and file, in which the 200 seamen were included.

Q. Will you state the effective strength of the army before Buenos Ayres on the night of the 4th of July? the strength of the corps under Colonel Mahon, at the same period, of course remained the same.

A. The effective strength of the army before Buenos Ayres, on the night of the 4th, consisted in about 6128 rank and file.

Q. What was the force left at Monte Video on the embarkation of the army from thence on the expedition to Buenos Ayres?

A. About 1353 rank and file.

Q. Does that include the marines?

A. Exclusive of the marines.

Q. Can you tell what was the number of the marines left in garrison?

A. I do not know; it is impossible to say: in short, some were landed after we quitted Monte Video.

Q. Were any orders issued, informing the General Officers and the Officers commanding divisions on the 5th of July, of the station of the Commander of the forces during the attack on that day?

A. Not that I know of.

Q. Were any orders issued, pointing out the places of retreat, in the event of a retreat becoming necessary, in the attack upon the town of Buenos Ayres on the 5th of July?

A. There were no orders issued through me.

Q. What was the amount of the casualties which occurred from the landing of the army at Ensenada to its arrival before Buenos Ayres, exclusive of those which occurred in the attack made by Major-General Gower on the 2d?

A. The return which I received included those which were killed and wounded on that day, and the following days, the days on which the piquets were engaged: I have no distinct return of the casualties which happened independent of those. I have a return of the casualties from the landing to the evening of the 4th, including the engagement with General Gower and the engagement with the piquets, amounting to 50 rank and file in the whole.

Q. Does that include sick?

A. We had no sick that I know of at the time; at least none were reported.

Q. Does that include any missing?

A. We had three missing, who are included: there were besides those, one Captain, five subalterns, and five serjeants.

Q. Were you with the main body of the army during the march from Reduction to Buenos Ayres?

A. I was.

Q. Do you know what reasons there were for the halt of the main body under Lieutenant-General Whitelocke's immediate command, at about two o'clock on the 2d of July?

A. I do not.

Q. Did the troops appear to you so exhausted with fatigue as to make a halt on that account unavoidable?

A. No.

*General Whitelocke.*—I have no questions to trouble Colonel Bradford with at present.

*The witness withdrew.*

*Lieutenant-Colonel Humphery Davie called in, and sworn.*

*The abstract of the first and second charges was read.*

*Examined by the Judge Advocate.*

Q. Were you the Commanding Officer of the 5th regiment on the 2d of July?

A. Yes.

Q. Did that regiment form a part of the main body under Lieutenant-General Whitelocke's command in the march from Reduction to Buenos Ayres?

A. Yes.

Q. Was your regiment so exhausted by fatigue on the 2d of July as to make a halt necessary at the time when the main body was ordered to halt on that day?

A. Yes; it was so late before we occupied the ground, that I do not think we could have proceeded. We left the village of Reduction very late that morning.

Q. Did not you halt about two, or between two and three o'clock, on that day?

A. Yes, we did at the pass of a river some time.

Q. I speak of the halt by the houses, where the army took up their position that night.

A. It might be three or four in the afternoon that they halted.

*President.*—The question is, whether your regiment was so exhausted that they could not proceed further.

A. They might have proceeded further, certainly. I do not think it was so much from fatigue as from the lateness of the day.

*Judge Advocate.*—Will Colonel Davie attend to the question? and if he wishes to amend his answer, he is at perfect liberty.

A. It was not so much in consequence of fatigue that they halted, as the lateness of the day.

*President.*—The short question is this, Whether Colonel Davie's regiment was so exhausted that they could not march further?

A. They were not exhausted, certainly.

*Judge Advocate.*—Then might they have marched further?

A. I think they might.

*General Whitelocke.*—I have no questions to trouble Colonel Davie with.

*Examined by the Court.*

*General Dundas.*—Was there any discontent amongst the regiment under your command on that day?

A. Not any whatever.

*General Loftus.*—What time did the main body march from Reduction that morning?

A. I should think about eleven o'clock. I do not wish to be quite positive to the time, but I think it was about that time.

*Sir John Moore.*—Had the regiment under your command had any food before they marched that morning?

A. I fancy they had; there were directions given that they should: I suppose they had; they were supplied with meat the evening before, after we reached Reduction.

Q. Had they both bread and meat?

A. Meat was served to them the evening before.

Q. Do you know whether your regiment cooked their meat on the morning of the 2d?

A. We had no means exactly of cooking regularly: there was time certainly; we did not march before eleven.

*The witness withdrew.*

*Lieutenant-Colonel John Nugent called in, and sworn.*

*The abstract of the first and second charges was read.*

*Examined by the Judge Advocate.*

Q. Did you command the 38th regiment on the 2d of July last?

A. Yes.

Q. Did that regiment form a part of the main body of the army under the immediate command of Lieutenant-General Whitelocke on that day?

A. Yes.

Q. Was your regiment so exhausted by fatigue as to make the halt necessary, when the division of the army under General Whitelocke's command was ordered to halt on that day?

A. No; certainly not.

*Cross-examined by Licutenant-General Whitelocke.*

Q. Did you, by my orders, send out or go with a foraging party before day-light, on the morning of the 30th of June; and how many sheep did you bring in for the use of the army?

A. I did go out with a party; and I brought in a very large flock of sheep, I think more than ever I saw together before.

Q. About how many?

A. I do not know exactly how many there might be, but I think there were at least 4000: it was a larger flock than ever I had seen before together.

*The witness withdrew.*

*Lieutenant-Colonel Jasper Nicholls called in, and sworn.*

*The abstract of the first and second charges was read.*

*Examined by the Judge Advocate.*

Q. Were you Major of the 45th regiment on the 2d of July last?

A. I was.

Q. Did that regiment form a part of the main body of the army under the immediate command of Lieutenant-General Whitelocke on that day?

A. It did.

Q. Was that regiment so exhausted by fatigue, as to make a halt necessary at the time when that division of the army was ordered to halt on that day?

A. Not by any means: 100 men of the 45th regiment were left behind at Reduction that morning, and amongst those the weakest men were left; we were therefore in a situation to have made a very long march, if it had been necessary.

Q. Can you speak with any accuracy as to the hour when the halt took place? and, if you can, state it.

A. I think about three, or half past three, when we halted for the night.

*General Whitelocke.*—I have no questions to put to Colonel Nicholls.

*Examined by the Court.*

Q. Were any signs of discontent shown by the 45th regiment on that day?

A. No; nor upon any other occasion during the service.

*The witness withdrew.*

*Judge Advocate.*—I have to state to the Court, that the questions which I have put to the commanding officers of some of the regiments which composed the main body under Lieutenant General Whitelocke, I should likewise wish to have put to the officers of the 87th regiment which formed a part of that body; but they are not in England, they are at the Cape of Good Hope, and therefore I am debarred from making the same inquiry of them.

*Lieutenant-Colonel Nugent called in again.*

*Examined by the Court.*

Q. Were there any symptoms of discontent shown by the regiment under your command on the 2d of July?

A. No; much the reverse.

*The witness withdrew.*

*Major-General J. Levison Gower called in again.*

*Judge Advocate.*—Major-General Gower having already heard the first and second charges read, you will now read the third and fourth.—*(They were read).*

*Examined by the Judge Advocate.*

Q. I would beg the favour of Major-General Gower to continue his narrative from the period at which it was broken off, namely, the close of the 4th of July, to the signature of the treaty.

A. I met Lieutenant-General Whitelocke, according to his order, soon after 6 o'clock on the morning of the 5th, a little in front of the Coral de Miserere. At the time appointed I heard him order Captain Fraser to open the cannonade. I remained there without having had any particular order given me, till it was nearly dark. During that period I heard Lieutenant-General Whitelocke give orders to his own aid-de-camps relative to some of the divisions of the troops; but those orders not having been particularly directed to me, I cannot certainly state what they were. About mid-day (I am not very correct as to time, but I believe it was thereabouts) I heard him direct Captain Whittingham to go to the left, and communicate with some of the divisions there. After a lapse of some time Captain Whittingham returned; and I heard him state, as part of the report, that Sir Samuel Achmuty wished a detachment of artillerymen to be sent to him: I received General Whitelocke's directions to provide that party, when ready, with some of the firelocks which had been captured in the action of the 2d, the artillerymen having only their swords; they were then marched, under the command of a Sergeant Hamilton of the 17th dragoons, who had accompanied Captain Whittingham, to the Plaza de Tauros. At night Lieutenant-General Whitelocke ordered that all the staff officers who were assembled at the place where I was, should go with him to his quarters: we did so, and remained there till day-light the succeeding morning. Sometime afterwards, I heard General Whitelocke order Captain Whittingham to proceed to the right, and try to open a communication both with the right columns of the attack, and those troops which had been left over the Chuello. Lieutenant-General Whitelocke and the officers who were with him, soon afterwards went up to the Coral. At some period of the forenoon, Sergeant Hamilton of the 17th regiment arrived with a letter which I saw him deliver to Lieutenant-General Whitelocke: the General gave it to Captain Squire, and ordered him to read it, and secondly to myself with the same order. It was in Spanish, and, to the best of my recollection, signed by General Liniers. I am not perfectly master of the Spanish language; but I think I understand it sufficiently

to be able to state, that it contained generally a description of the effect produced by the attack on the preceding day; and to it was added a proposal for the cessation of hostilities, and for the commencement of a treaty, in which he proposed to give up all the prisoners of war in his possession, if the British troops would evacuate the river Plata. I beg to state that this is from recollection entirely, having seen the letter but once at that period, and not since: there may have been more in the letter, and I believe there was. Lieutenant-General Whitelocke soon afterwards informed me that he intended to answer that letter, by saying that he would communicate with the Admiral on the subject. He was pleased to ask me whether I thought that was a proper answer; and I answered that I did not, because it appeared to me that it was a tacit acknowledgement that he himself was willing to enter into the treaty if the Admiral was, and I did not suppose he would take such a measure till he had personally investigated the facts, and had, by his own observation, fully ascertained what further means of attack remained in his power. He then said, that it would at least be desirable to gain a little time. I answered. that that could be obtained by a proposal for a cessation of hostilities for an hour or two, to collect the wounded who were dispersed; or for any other cause of that description, which could not materially affect the general operations. He directed me to sketch a letter to that effect, which I did immediately, and delivered to him. He said the statements were not founded in fact, when he read it; and rejected it totally. He then directed Colonel Bourke, the Quarter-Master-General, to write an answer: when that was done, he disapproved it equally with mine. He then again called for the original one, which I had delivered; and, ordering Lieutenant-Colonel Torrens to make some alterations in it, it was copied by him, and I believe sent into the town by Captain Brown, General Whitelocke's aid-de-camp, with a flag of truce. Lieutenant-General Whitelocke then ordered Lieutenant-Colonel Bradford to remain in command of the troops that were in the vicinity of the Coral, with some orders also for those under Colonel Mahon, when they might arrive; and went immediately, with all the other staff officers, to the Plaza de Tauros.

When arrived at the Plaza de Tauros, he ordered me to go and inspect the ordnance generally which had been captured, and to fix upon such spots as I thought most desirable for batteries, for his further consideration. I was some considerable time occupied on that duty, and returned to him and stated that I conceived the best place for a battery of cannon, if it did not exceed six pieces, was the round building that had been occupied for the bull-fights; that a mortar battery should be placed with its left angle covered by the same building. He asked me if I thought there was much probability of success in a re-attack. I stated that there were but two means, and that I did not think that either would succeed; the one by assault had been tried with only partial success; the second, by bombardment, even were the means in our power to the fullest extent, would, in my opinion, produce very little effect in a town of so immense a size as Buenos Ayres, the buildings of which were perfectly incombustible: that there was but one British 24-pounder landed: that a large proportion of the captured guns were spiked or unfit for service; and that of the few that were fit, the number of those of any considerable calibre was very small: that having seen the trifling effect produced by 24-pounders on the houses at Monte Video, I was convinced that guns of a lighter calibre would produce little or none against houses constructed of similar materials, in nearly a similar manner, at Buenos Ayres. And I moreover stated it as my opinion, from the rough estimate which I had been able to form of the loss, that the number of troops remaining, even was the Spanish General disposed to give up Buenos Ayres without a further struggle, were by no means adequate, or nearly so, to control such a mass of armed inhabitants, and to hold such points as must be absolutely necessary for the support of each other. Soon after this, Lieutenant-General Whitelocke informed me that he had sent in to General Liniers, to say that he would order me into the town to communicate with him on the subject of his letter. I attended Lieutenant-General Whitelocke some time afterwards, to receive his orders; and he gave me a variety of verbal ones, relative to the points which I was to discuss with General Liniers. I requested a detailed written order

on the subject; but he would not give it me. I believe it was about three o'clock that I went with a flag of truce into the town.

Q. Will you state, as far as your recollection will enable you, the orders you received?

A. I believe they will appear very distinctly presently. I went with a flag of truce into the town, and there met General Liniers and some of his principal officers. I asked Lieutenant-General Whitelocke, when he delivered the orders to me, whether I was to abide absolutely by the points which he had pointed out, or whether, without losing sight of them, I might propose three or four other conditions; that, if the enemy increased in their demands, I might, without receding from his original orders, have something to concede in return for any concessions which they might make. The terms which he had proposed himself, and from which he said he should not recede in any material degree, and to which I was to pay particular attention, were the possession of the town of Monte Video in sovereignty, during a period of four months; and that a district, comprehended within a line drawn from St. Carlos on the west, to Pando on the east, should be considered as a neutral country: that the Spaniards should deliver up all prisoners of war in their possession: that there should be no attempt to prevent the introduction of supplies into Monte Video during that period of four months: that the British troops should embark at whatever point they pleased to select, within ten days, with all their cannon and stores, and any such as they had taken from the enemy which they might choose to carry with them: that during the above-mentioned period of four months, the commerce of the British merchants in the river Plata, was to be perfectly free and open in every part of the river. The additional propositions which I intended to make, and which I submitted to Lieutenant-General Whitelocke, and which he approved, were the cession in sovereignty of a considerable portion on the left bank of the Plata, and that that country and the river Plata should be considered as neutral during the remainder of the war. I did converse with General Liniers on each of these subjects separately, and on one or two more which he pro-

posed, but from which he receded. Finding there was no probability of his agreeing to the additional proposition, I receded after some time also from it, and confined myself entirely to those points relative to which I had received his special directions. Late in the evening I returned to the Plaza de Tauros, having taken notes on each of the subjects under discussion; and on two additional subjects which General Liniers had proposed, and which, as I did not find them to militate against any thing that was in the former order, I was inclined to submit to Lieutenant-General Whitelocke. That he might clearly understand the thing, I, from the notes which I had, drew out a paper in the form of articles, which I delivered to Lieutenant-General Whitelocke. On the subsequent day, between 11 and 12 o'clock, Admiral Murray having come on shore, Lieutenant-General Whitelocke informed me that it was their intention to agree to a treaty founded on the preliminary propositions which I had delivered to him the preceding night. On the succeeding day, Lieutenant-General Whitelocke ordered me to compare a treaty, which he then delivered to me, with those propositions that I had originally reported: I did so, and answered that in substance it was the same. I believe on the subsequent morning, the 9th I think, General Liniers began to deliver up such a portion of the prisoners as could move, and as then were in Buenos Ayres. I at the same time received General Whitelocke's orders to communicate and co-operate with Captain Baynton of the navy, on the re-embarkation of the troops and stores, from the Plaza de Tauros: on that service I continued to be employed till the night of the 12th, when it was completed.

*Judge Advocate.*—Perhaps it might be as well in point of appearance, if Major-General Gower were to state what orders were given, within his knowledge, for the evacuation of Monte Video, if he knows of the order being given.

A. I can state, if you please, that I was with the last division of troops that embarked from Monte Video under General Whitelocke's immediate orders.

Q. Were you with Lieutenant-General Whitelocke the whole of the 5th?

A. With the exception of a period of about half an

hour, during which Lieutenant-General Whitelocke was absent; he having ordered the staff officers, who were present, and myself, to remain where we were.

Q. At what period of the day was that?

A. I have not a specific note on the subject; some time after mid-day I think, after one o'clock I think: I remember the fact without knowing the hour.

Q. Did you remain with Lieutenant-General Whitelocke during the whole of that day in consequence of any orders which you received from him on that day, or in consequence of any previous orders?

A. In consequence of the order which I had received the preceding night, to meet him on that morning and receive his orders; and consequently I remained where I was till I did receive such orders.

Q. Had you any communication with Lieutenant-General Whitelocke in the course of the 5th, upon the subject of his and your position?

A. I had.

Q. State to the Court what it was.

A. Soon after he came up, he said he thought that was a good place to remain at till he collected his reports; and asked me if I thought so. I said, from its central situation it appeared to me, in the first instance, as good as any other.

Q. Had you any other conversation in the course of that day on the same subject?

A. None that I recollect: I had very little communication with Lieutenant-General Whitelocke on the 5th of July.

Q. Describe the place in which you remained from break of day till dark; its distance from the entrance of the town, and its computed distance from the several points of attack of the different divisions.

A. It was nearly at the spot from whence the light brigade moved, and close to the entrance of the two principal streets of the town of Buenos Ayres: its exact distance from the points of attack, a reference to the map only can show; I have never measured it.

Q. State the names of the officers who remained with Lieutenant-General Whitelocke during the 5th of July.

A. Captains Brown, Foster, Whittingham, and Douglas, Aid-de-Camps to General Whitelocke; Lieutenant-Colonel Torrens, Military-Secretary to General Whitelocke; Lieutenant-Colonel Bourke, Deputy-Quarter-Master-General; Lieutenant-Colonel Bradford, Deputy-Adjutant-General; Captain Blake, an Assistant-Adjutant-General; Captain Frazer, Commanding the artillery; Captain Squire, commanding the Engineers; Lieutenant Cossley, attached to me as Brigade-Major; and myself: I do not recollect more.

Q. Will you state the number, and description of the troops left as a reserve, after the commencement of the attack?

A. I considered all the dismounted cavalry present, and one company of the 88th regiment, as the reserve.

Q. Will you state the number?

A. I do not know: I have no return.

Q. Did the situation in which you remained with Lieutenant-General Whitelocke, and by his orders, afford a facility of communicating with the different divisions of the army engaged in the attack?

A. In point of distance, I should suppose, from its centrical situation, that it was best calculated for that purpose. As to facility, all places were equal, from the immense number of mounted and armed men that were close to the troops in every situation in that country.

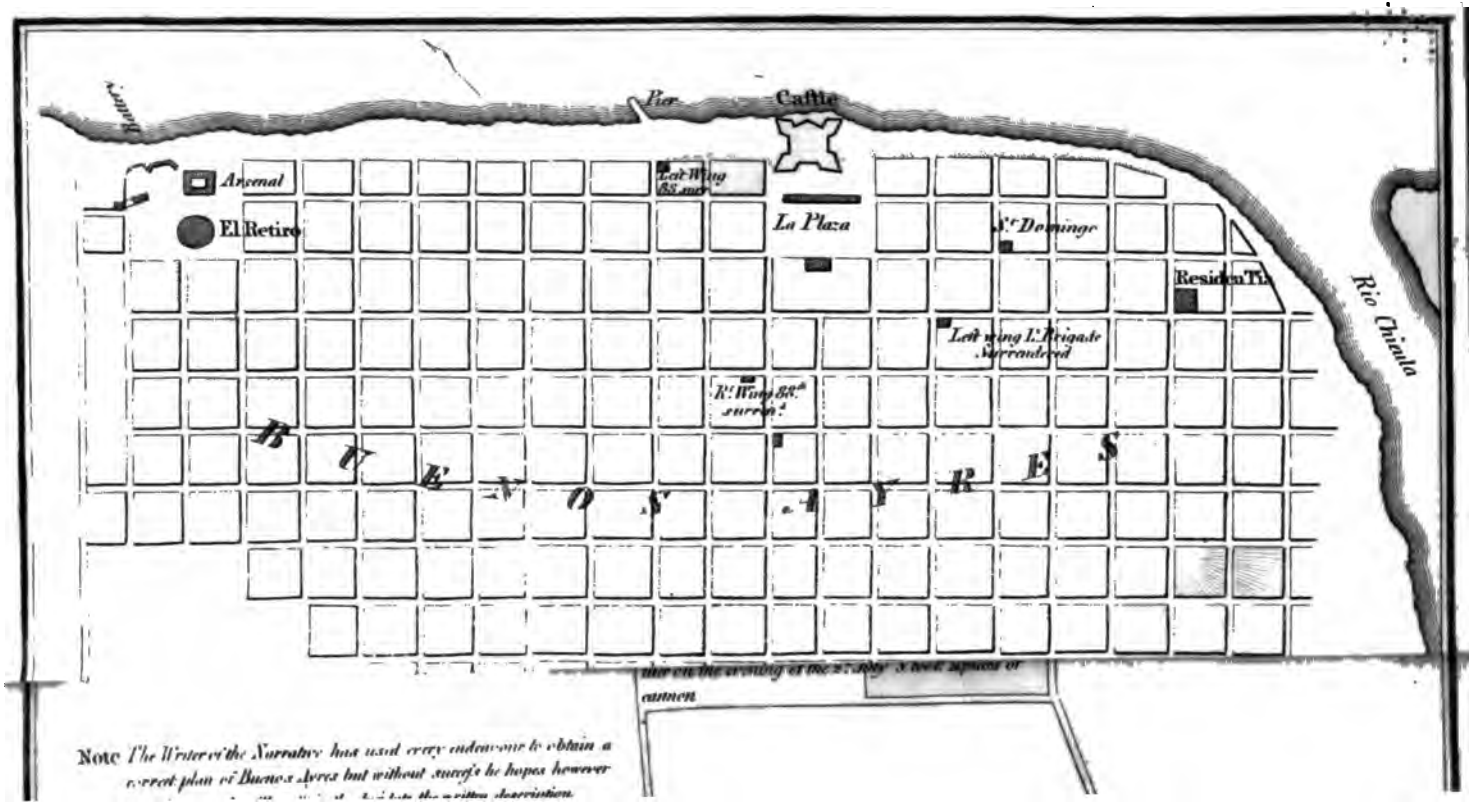
Adjourned to Thursday morning 10 o'clock.

## SEVENTEENTH DAY.

THURSDAY, FEBRUARY 18, 1808.

The Court having met, Sir William Medows stated that he had received a letter from General Lord Lake, informing him that he was so much indisposed as to be unable to attend; in consequence of which, and in fervent hopes of his Lordship's recovery,

The Court was adjourned till Monday morning 10 o'clock.


Battery
Pier
Castle
Arsenal
El Retiro
Left Wing 88 surr
La Plaza
St Domingo
Residen Tia
Rio Chicula
Left wing L. Brigade Surrendered
Rt Wing 88th surrend
BUENOS AYRES
cannon
Note The Writer of the Narrative has used every endeavour to obtain a correct plan of Buenos Ayres but without success he hopes however

## EIGHTEENTH DAY.

MONDAY, FEBRUARY 22, 1808.

*Mr. Bullock, Commissary-General, called.*

*Judge Advocate.*—The Commissary-General has desired to explain a part of the evidence he gave the other day. It appears to me expedient that he should give that explanation before we proceed with the evidence. State what part of the evidence it is you wish to correct.

*Evidence read.*

A. Having stated that it was only bread and meat, I ought to have explained to the Court, that there was flour and grain, besides a specific quantity of bread, adequate to the supplying of bread to the whole army for 4 or 5 days; there being mills and ovens capable of grinding and baking for the daily issues. There is another point I wish to explain. There was a question put to me, what orders I received from the General on the march: I meant to say, that I did not receive any orders relative to the supplies, previous to the army marching; but, on arriving at each halting place, the General directed that cattle might be drove in, and a quantity was invariably provided accordingly: this applies merely to the column under the command of the General.

*Major-General Gower called, and examined by the Judge Advocate.*

*The former evidence of Major-General Gower read-*

Q. Was the spot on which Lieutenant-General Whitelocke took his station on the 5th of July, the ground occupied the preceding night by the light brigade; or was it in line with the out-posts, where that brigade passed previous to commencing the attack?

A. I do not understand the question, because I am not

n give orders relative to the dismounted
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onsequently I suppose he had communica-
except that, and the one described by
gham, I know of no other at that period.
what regiment you mean, when you speak
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of the columns originally engaged in the

troops of the carabineers dismounted, and
regiment: they were part of what I before
lering them to be a part of the reserve.
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had received no information respecting any
of the army engaged in the attack previous
Coral and to his returning to his quarters
of the 5th, with the exception of Captain
s report to Sir Samuel Achmuty?
of no other than that which I have stated.
the dismounted cavalry been engaged on

portion of them which occupied the ground on
relieved the piquets of infantry were more or
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you remember the name of the aid-de-camp
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aptain Foster.
ere any, and what, attempts made by Lieutenant-
Whitelocke to obtain information of the different
s of the army engaged in the attack; and were any,
hat, attempts made to place himself in communica-
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I do not know of any other attempt than that which
ve described. Lieutenant-General Whitelocke re-
d nearly stationary during the whole day, except the
al of half an hour I before spoke of, and during
I do not know where he was.
Were any, and what, attempts made by Lieutenant-
Whitelocke personally, or otherwise, to co-operate
upport the different columns of the army en-
the enemy on the 5th of July?

aware that the light brigade did retire the preceding night. It was immediately in the rear of the houses in which the light brigade was cantoned the preceding night, and on the nearest open ground to those houses, which was a little elevated above them.

Q. Did you hear the whole of Captain Whittingham's report, when he delivered Sir Samuel Achmuty's request for a reinforcement of artillerymen?

A. I am not sure whether I did or not, at this distance of period: having no note on the subject, I cannot state the whole of it.

Q. At what hour was that report received?

A. I believe about 2 o'clock.

Q, Did you hear enough of the report to be able to state whether Sir Samuel Achmuty's request was confined to a reinforcement of artillerymen, or whether it extended to other points?

A. I cannot say: I have stated all that I know positively upon that subject.

Q. Did the report detail the operations in which Sir Samuel Achmuty had been engaged; and did it state the situation in which his corps was, at the time Captain Whittingham left it?

A. It did not give any detail; but it described the existing state of that corps at the time.

Q. Is what you have stated all you can remember of Captain Whittingham's report upon the subject?

A. Yes, it is.

Q. Did Captain Whittingham specify the purpose for which this reinforcement of artillerymen was wanted?

A. I do not know whether he did or not.

Q. With what escort did Captain Whittingham proceed to the Plaza; and what were the difficulties he experienced in going or returning from thence?

A. He had some dragoons; the number I do not know: not having been with him, I cannot state what occurred in the execution of the duty.

Q. Had Lieutenant-General Whitelocke any, and what, information of the different columns of his army previous to his leaving the Coral and repairing to his quarters on the night of the 5th?

A. I heard him give orders relative to the dismounted cavalry that were in his front, which were sent by his own aids-de-camp; consequently I suppose he had communication with them: except that, and the one described by Captain Whittingham, I know of no other at that period.

Q. Explain what regiment you mean, when you speak of the dismounted cavalry; were they a part of the reserve, or a part of the columns originally engaged in the attack?

A. The four troops of the carabineers dismounted, and part of the 9th regiment: they were part of what I before stated, as considering them to be a part of the reserve.

Q. Is the Court to understand, that Lieutenant-General Whitelocke had received no information respecting any of the columns of the army engaged in the attack previous to leaving the Coral and to his returning to his quarters on the night of the 5th, with the exception of Captain Whittingham's report to Sir Samuel Achmuty?

A. I know of no other than that which I have stated.

Q. Had the dismounted cavalry been engaged on the 5th?

A. The portion of them which occupied the ground on which they relieved the piquets of infantry were more or less so during the whole day.

Q. Do you remember the name of the aid-de-camp who carried the order you have just mentioned?

A. Captain Foster.

Q. Were any, and what, attempts made by Lieutenant-General Whitelocke to obtain information of the different columns of the army engaged in the attack; and were any, and what, attempts made to place himself in communication with any of those columns?

A. I do not know of any other attempt than that which I have described. Lieutenant-General Whitelocke remained nearly stationary during the whole day, except the interval of half an hour I before spoke of, and during which I do not know where he was.

Q. Were any, and what, attempts made by Lieutenant-General Whitelocke personally, or otherwise, to co-operate with and support the different columns of the army engaged with the enemy on the 5th of July?

A. I have already stated every thing I know upon the subject.

Q. I am directed by the Court to require of Major-General Gower to give a direct answer.

A. I have already stated every thing before that I saw. I can only detail what I have already said. I know of no other orders that were given on that subject.

*A Member.*—You must have observed what was passing; whether any corps were ordered to support those that were much pressed.

*Judge Advocate.*—In order that we may understand how the evidence rests at this time, I understand that the answers which Major-General Gower has given amount to this: with regard to Lieutenant-General Whitelocke's conduct in the course of this day, that about mid-day he directed one of his aids-de-camp, Captain Whittingham, with an escort to proceed to Sir Samuel Achmuty's quarters at the Plaza; that he received a report from Captain Whittingham; that he gave an order which you did not hear to an aid-de-camp respecting the 9th cavalry. Upon those answers I put this question—Were any and what attempts made by Lieutenant-General Whitelocke, personally or otherwise, to co-operate with and support the different divisions of his army?—I am not aware that any thing Major-General Gower has yet said goes to show that any personal exertions of any kind were made; and it is with a view to obtain a direct answer to that question in the affirmative or negative, that it is put; and I am bound to state, that the answer Major-General Gower has just given, is no answer. At present I am merely asking as to what Major-General Gower either saw or heard, namely, to the fact.

*The question and answer read.*

*Major-General Gower.*—If you will permit me, I will add to that last answer, None that I know of. I believe that there should be a question erased; that is, a specific answer to the second question before the last.

*Judge Advocate.*—I do not understand now what "None that I know of" applies to, coupled with the preceding paragraph in Major-General Gower's answer.

*The question and answer read again.*

A. There is the exception of the order given by Lieutenant General Whitelocke to Captain Whittingham, which I have already stated.

Q. At what hour did Lieutenant-General Whitelocke leave the Coral for the purpose of repairing to his quarters on the night of the 5th?

A. I should think between five and six: it was dark almost immediately after.

Q. Did he, or did he not, do so in ignorance of what had occurred to the different divisions of the army which had been engaged with the enemy during the 5th, with the exception of that under Sir Samuel Achmuty's command?

A. I believe he did not know the result of the attack of the right column, that includes Brigadier-General Craufurd's brigade and the 45th regiment: of all the rest I have reason to think he received intelligence from Sir Samuel Achmuty.

Q. State your reason for thinking that he had received any such intelligence from Sir Samuel Achmuty.

A. Because I had learnt the event of the columns from Captain Whittingham.

Q. State where the head-quarters were that night, and, as minutely as you can, the distance from the entrance of the town, and the computed distance from the points of attack?

A. At a house then called White's House: the exact distance from the first houses of the town I cannot correctly state: from the road close to it on the 2d the light battalion charged; the enemy's guns were very near the first houses of the town, and grape-shot reached home to us down to the house, or very near to the house; the distance from the points of attack being the whole depth of the town, I cannot state.

Q. State whether the enemy made any attack, during the day or night of the 5th, on the troops stationed near the person of Lieutenant-General Whitelocke, and the precautions taken for the security of the head-quarters during that night.

A. Small parties of the enemy were forcing themselves out of the town during the whole day of the 5th. The 6th dragoon guards, and the 9th light dragoons, were seriously engaged. During the latter part of the day, the former corps lost their first and second senior officers. White's house was occupied as an hospital, as well as head-quarters. A company of the 88th, to the best of my recollection, had been there the whole day to secure the wounded. A subaltern's piquet of that regiment, which was left in charge of their packs, might have been moved down to join them; but I do not recollect whether it was so or not. I heard Lieutenant-General Whitelocke order that one of the junior staff officers present should, during that night, be constantly walking on the flat roof of that house, to give him notice of any extraordinary occurrence. I do not remember any other particular precaution. You said just now, that you considered all the reserve as under Lieutenant-General Whitelocke's command; do you include all the dismounted dragoons in the question, Whether attacks were made upon them?

*Judge Advocate.*—I certainly do. Was the reserve composed of the 6th dragoon guards 272; 9th light dragoons, 482; 17th dragoons mounted 30; 17th dragoons dismounted, attached to the Commissary-General, 83; 88th regiment, one company, 60; detachments left in charge of regimental knapsacks, 180; total 1107?

A. Those were the corps which I considered to belong to the reserve. Of what their numbers consisted, I do not know.

Q. The former question was, Whether you could state whether any and what attacks were made by the enemy upon the reserve? Your answer is, that small parties of the enemy were forcing their way out of the town. Upon that I asked, whether the object of those small parties was to attack the reserve, or to make their escape. You say, to make an escape. I resort to the original question, Whether any, and what, attempts to attack were made on the 5th upon the forces stationed near Lieutenant-General Whitelocke?

A. If you will permit me to erase that answer altoge-

ther, the thing will be perfectly clear upon the question, Whether that was the component force of the reserve?—That one answer answers both.

Q. State whether the troops belonging to the reserve which you state to have been engaged in the course of that day, were engaged in resisting any attack made by the enemy upon the troops stationed near Lieutenant-General Whitelocke, or in consequence of those troops attempting to force their way into the town.

A. In the first instance, certainly the enemy attacked those troops, then stationary. Eventually I heard Lieutenant-General Whitelocke had sent an order to the carabineers to charge some guns. The cause of that order I believe to have been in consequence of a report made to him by Captain Foster, his own Aid-de-camp, but I did not hear what that report was.

Q. By whom was that order sent?

A. By Captain Foster; to the best of my recollection I am sure it was.

Q. State at what period that attack was made, with what force, and all the circumstances connected with it?

A. The time I do not remember. I was at some little distance from Lieutenant-General Whitelocke, and I saw Captain Foster come from the place where the carabineers were, and that he communicated something, which I did not hear, to Lieutenant-General Whitelocke. Immediately afterwards Lieutenant-General Whitelocke ordered him to go and direct the carabineers to charge the guns. I do not know any other circumstance relating to it. The enemy's force was so concealed by the buildings and enclosures, I cannot give an opinion of their amount; it seemed to be every male inhabitant of that part of the town, including their slaves.

Q. Is the Court to understand, that all that came within your knowledge respecting this attack of the enemy, was the hearing Captain Foster communicate something to Lieutenant-General Whitelocke, in consequence of which Lieutenant-General Whitelocke gave an order to charge?

A. That is all I know relative to that part of it: the

enemy almost always kept the reserve under fire: I know no more of it.

Q. Did you see or hear of any other attack made by the enemy, excepting that which you have just stated during the 5th?

A. There were small parties of the enemy constantly forcing their way out of the town, which kept the small detachments of corps almost constantly firing more or less. I do not know any other.

Q. Did the object of those parties which you state to be perpetually forcing their way out of the town, appear to be to attack the troops, or to make their escape?

A. To escape.

Q. How was the dismounted cavalry armed which composed part of the reserve?

A. The 6th dragoon guards and 9th regiment of light dragoons had carabines of the old pattern. The 17th light dragoons having them of the new pattern, they were, after they were embarked, exchanged for infantry firelocks, which were, I believe, wholly, or in part, captured Spanish arms.

Q. Will you state what passed in the course of the night of the 5th at head-quarters; what were the resolutions that were decided upon for the subsequent day, the 6th of July?

A. I heard Lieutenant-General Whitelocke express himself particularly anxious to communicate with the right column of attack, and with the force under Colonel Mahon; and that he should, at as early a period in the morning as possible, employ Captain Whittingham in that service.

Q. It appears from Major-General Gower's evidence, that at the close of the 5th of July, Lieutenant-General Whitelocke retired from the Coral to head-quarters in total ignorance of what had befallen a considerable part of his army. I am anxious to know what passed at head-quarters under this situation you have described; and it is with that view I put that question. State what passed that night. I have no objection to add the words that are suggested by an Honourable Member of the Court, How

Lieutenant-General Whitelocke was employed, whether he eat, or drank, or went to bed?

A. I did not understand the question before.

*The Question read.*

*Judge Advocate.*—I wish Major-General Gower to understand, that I call upon him to state every thing that passed within his knowledge?

*Major-General Gower.* Soon after dark, all the officers present had some dinner: at an early hour, I do not exactly remember what hour, the whole, I believe, except the officer who was placed upon the top of the house, laid themselves down on various parts of the floor of the rooms to sleep: they got up at times during the night, to see if there was any movement on either side, or if they could hear any firing: and some time before day-light, I believe, the whole were walking about, ready to receive Lieutenant-General Whitelocke's orders.

Q. By the whole number of officers, do you include General Whitelocke himself?

A. I think I may: I believe he did get up once or twice in the night; but being a thing that passed in the night, it is not very easy for me to speak correctly.

Q. How were the troops of the reserve disposed of during the night?

A. To the best of my recollection, the whole, except the carabineers, remained in the same position which they had occupied during the day. The carabineers were a little in advance of that which they had occupied in the morning.

Q. State the hour at which Lieutenant-General Whitelocke left head-quarters on the morning of the 6th.

A. To the best of my recollection, immediately after day-light. Almost immediately; for he was occupied some little time in giving orders to Captain Whittingham.

Q. At what hour did Lieutenant-General Whitelocke direct Captain Whittingham to endeavour to lay open a communication with the right column and with the troops left on the other side of the Chuello?

A. I believe immediately after day-break.

Q. With the exception of the artillerymen sent to Sir Samuel Achmuty, was this the first attempt made by Lieutenant-General Whitelocke to communicate with the various other columns of his army which, on the morning of the 5th, by his orders, had penetrated into the town to attack the enemy?

A. I beg to state that Captain Whittingham had communicated in the evening of the 5th with Sir Samuel Achmuty. There is nothing stated there of Captain Whittingham's orders.

Q. I understand from your evidence that the artillerymen were sent to Sir Samuel Achmuty. Am I correct?

A. Correct.

Q. The question is, Whether, with the exception of the artillerymen sent to Sir Samuel Achmuty, which we all know was in consequence of that report, was this order given to Captain Whittingham, which you were speaking of in the preceding question, the first attempt to make a communication with the various other columns?

A. It was. I perfectly understood it before; but I thought when it was written down it would not appear so clear.

Q. Was this the first attempt made since day-break on the 5th to communicate with the corps under Colonel Mahon?

A. Certainly.

Q. With what force did Captain Whittingham proceed as an escort in the performance of this service?

A. Some mounted dragoons, and a small party of the 88th regiment.

Q. Can you tell their numbers?

A. I do not know.

Q. State the hour, as well as you can recollect it, at which Sergeant Hamilton of the 17th light dragoons brought a letter from the Spanish Commander to Lieutenant-General Whitelocke, and by what means the Sergeant became possessed of that letter?

A. Between 11 and 12. I understood the letter had been sent out by a flag of truce to the Plaza de Tauros, and that it was forwarded from thence by Sir Samuel Achmuty.

*Lieutenant-General Whitelocke admitted the letter dated Buenos Ayres, 5th of July* 1807, *five in the evening, which was read.*

Sir,

With the same sentiments of humanity which induced your Excellency to propose to me to capitulate, lead me, now that I am fully acquainted with your force, that I have taken 80 officers and upwards of 1000 men, and killed more than double that number, without your having reached the centre of my position, the same sentiments, I say, lead me, in order to avoid a further effusion of blood, and to give your Excellency a fresh proof of Spanish generosity, to offer to your Excellency, that if you choose to re-embark with the remainder of your army, to evacuate Monte Video, and the whole of the river Plata, leaving me hostages for the execution of the treaty, I will not only return all the prisoners which I have now made, but also all those which were taken from General Beresford. At the same time I think it necessary to state, that if your Excellency does not admit this offer, I cannot answer for the safety of the prisoners, as my troops are so infinitely exasperated against them; and the more as three of my Aids-de-Camp have been wounded bearing flags of truce; and for this reason I send your Excellency this letter by an English officer, and shall wait your answer for one hour.

Buenos Ayres, 5th July, 1807,
at 5 o'clock in the evening.

Q. Was this letter the first information that Lieutenant-General Whitelocke and yourself received of the consequences attending the different attacks of the columns the preceding day?

A. I stated that there was a report from Sir Samuel Achmuty on the preceding night, which I believe included all the columns of the left wing. I had no knowledge myself, till the arrival of that letter, of what happened to the right; nor do I know that Lieutenant-General Whitelocke possessed any.

Q. At what hour was the letter sent from Lieutenant-General Whitelocke by his Aid-de-Camp Captain Brown, proposing to the Spanish General a cessation of hostilities?

A. About 12.

*Lieutenant-General Whitelocke admitted a copy of a letter addressed to General Liniers, dated head-quarters, Plaza de Tauros 6th July,* 1807.—*It was read.*

Head-Quarters, Place de Tauros, 6th July, 1807.

Sir,

I have the honour to acknowledge the receipt of your letter. You do me no more than justice in believing that whatever advances the cause of humanity would be grateful to me; and therefore as, from the extent of the action of yesterday, the wounded on both sides are dispersed over a considerable space of ground, I would propose that there should be a truce for four and twenty hours, that each might collect those dispersed on the lines of approach of the different columns.

The ground on which the armies now stand to be the line of demarkation, and each to bring the wounded of the other to deliver them to the respective out-posts.

As to the idea of surrendering the advantages which this army has gained, it is quite inadmissible, having also taken many prisoners, captured a quantity of artillery with all its stores, and gained both its flanks. I leave to your candour the comparison of the relative situation of the two armies.

I have to lament the circumstance A. D. C. having been wounded: I cannot account for it otherwise than by attributing it to those mistakes which often occur at the commencement of hostilities. I shall take care that nothing of the kind shall happen for the future; but I have to remark that my A. D. C. was fired at the whole way of his approach to your lines on the 4th instant, when I sent him with a flag of truce.

Signed J. WHITELOCKE.

GENERAL LINIERS, &c. &c. &c. A true copy,

E. COOKE.

Endorsed No. 6. General Whitelocke to General Liniers.

Q. You have stated that, subsequent to the departure of Captain Brown, General Whitelocke, leaving Lieutenant-Colonel Bradford in command of the column, proceeded with yourself and all the other staff officers to the Plaza de Tauros; was it, therefore, not until Lieutenant-General Whitelocke had proposed a cessation of hostilities, that he sought personally to join any portion of the troops under his command, which had marched at break of day the preceding morning to the attack of the enemy in the town of Buenos Ayres?

A. He did not make any attempt personally, till the period when the letter was sent; but hostilities did not at all cease for a considerable time afterwards.

Q. At what hour did Lieutenant-General Whitelocke reach the Plaza; with what escort did he go; and did he meet with any, and what, difficulties in his way thither?

A. About or a little before one o'clock. There were, I think, two six-pounders, with their artillerymen to cover them—a portion, I don't exactly recollect what number, of the 9th light dragoons dismounted. There was no difficulty: there was a little firing from behind the houses during the march, but it was not of consequence.

Q. Having stated as an argument against further hostilities that, in the event of Buenos Ayres having surrendered on the 8th, the remaining troops were inadequate to control such a mass of armed inhabitants, and to hold the other points necessary to occupy; whether, in your opinion, the natural and immediate consequence of surrender would not have been the disarming the inhabitants, and the establishing of a military police, so efficient and vigorous as to have prevented the insurrection of an unarmed populace, until the liberal and kind treatment enjoined by his Majesty's instructions should have reconciled and attached all orders of men to the British Government.

*A Member.*—That is matter of opinion.

*Judge Advocate.*—Having stated that Lieutenant-General Whitelocke communicated with Major-General Gower upon the question, whether it was advisable to pursue hostilities, and, on that occasion, Major-General Gower having stated his reasons for conceiving that further hostilities should not be pursued; I thought it would be right to give Major-General Gower an opportunity of explaining that reason. If the Court are not of that opinion, I have not any desire to press it, but will withdraw it certainly.

*A Member.*—Suppose he answers the question one way or the other, it can have no sort of influence on the decision of this Court Martial: it is not a fact, it is only an opinion.

*Judge Advocate.*—I may have occasion to make some remarks upon the evidence of the witnesses: I think it more fair to give the witnesses an opportunity of explain-

ing their opinion, that is the only ground upon which I wish it to be put. If the only objection that any Member of the Court feels at present is, that it cannot affect the question one way or the other, then I submit, taking that for granted, it is better that the question should be put at present. It is impossible for me to say, whether I may not be called upon to make observations upon the opinion delivered by Major-General Gower. The question is put, with a view that he may have an opportunity of explaining that opinion which he gave, and, in consequence of that explanation, I shall know better upon what grounds to rest my reply, and those observations which I shall have to make upon that opinion.

*The question read.*

A. From the immense extent of Buenos Ayres, I believe it would have been impossible to prevent the concealment of the greater proportion of those arms which were in the hands of the inhabitants. I believe the effect of a military police would have been trifling; as I am sure that no really good information could have been obtained which could have given much effect to the measures of that police. I am confident no conduct, however cautious, just, or humane it might be, would have caused the inhabitants of that country to relinquish their power of attacking British soldiers whenever they might be enabled to do so; and I am confirmed in that, from the unanimous opinion which all the Spaniards that I ever spoke to had given, both of General Beresford and Sir Samuel Achmuty in their respective commands; and it being an ascertained fact, that the people of Buenos Ayres had prepared mines under the barracks of the 71st regiment to destroy them; and that no attachment or good-will, on the part of the people on the other side of the river, had been shown to the government under Sir Samuel Achmuty; though the people, in both situations, expressed, in the strongest possible terms, how much they were indebted to General Beresford and Sir Samuel Achmuty for their moderation and justice in their respective commands.

Q. Having stated that the station which Lieutenant-

General Whitelocke occupied in the morning of the 5th, was for the purpose of receiving reports, explain what reports you meant when you made that statement.

A. Those which I supposed would be sent by each of the officers in the command of the several columns.

Q. Do you mean in the command of columns engaged in the attack?

A. Yes, I do.

Q. How could Lieutenant-General Whitelocke receive those reports at the Miserere, or at that station, when no orders or notice had been given to the generals or officers commanding brigades of the station, where Lieutenant-General Whitelocke was to be found during the 5th?

A. I conceive it to be the general custom for all officers intrusted with a particular branch of service, to report the result of it. I thought it possible that they would send to the position where the reserve was.

Q. Having stated that, in answer to Lieutenant-General Whitelocke, telling you that the spot he was on was a good place to remain at till he collected his reports, and asking you whether you thought so, you said, that from its central situation, it appeared to you, in the first instance, as good as any other: what did you mean by the expression, "In the first instance?"

A. That if those reports did not arrive in such an interval of time as I thought it necessary to elapse before the officers could have sent them, had I been in command, I should personally, or by means of staff officers, have endeavoured to have opened a communication with the columns.

Q. From the situation in which Lieutenant-General Whitelocke was, could he perceive how soon the different columns received fire?

A. Certainly not: the houses so intervened, it was impossible.

Q. How soon did the fire of the enemy commence after the troops marched to the attack?

A. Very soon.

Q. Can you state more distinctly?

A. I have not a note, and therefore I cannot. Almost immediately.

Q. Half an hour?

A. Less. Almost immediately.

Q. Was it the fire of cannon, or musketry, or both?

A. Of both, it appeared to me.

Q. Was it violent?

A. At times: at first not very; it became more so afterwards.

Q. How long did it continue?

A. At intervals, till dark.

Q. How soon, and when, did you perceive that all communication was cut off between the columns engaged in the attack and the reserve?

A. During the whole day, any small party would have been prevented from communicating with any of the points, from the number of people in arms in every direction; but I had no reason to suppose that a proper party would not have opened a communication whenever it was attempted.

Q. Did Lieutenant-General Whitelocke make any such attempt, or consult you on the propriety of doing so in the course of that day?

A. No other attempt than that which I have described, that I know of. I do not recollect that he spoke to me on the subject till a little before he sent Captain Whittingham, as well as I remember. Both at that period, and when the artillerymen went in the evening, I expressed my wish to be allowed to go; and I added, that even if there was a difficulty of communicating with the right columns or with Colonel Mahon by land, I thought I might possibly do so by getting on board a man of war's boat from the Plaza de Tauros, and attempting it by water.

Q. What answer did Lieutenant-General Whitelocke make to that proposal of yours?

A. As well as I remember, that he should send Captain Whittingham, and then he would decide upon what was to be done.

Q. Had you any other communication with Lieutenant-General Whitelocke in the course of that day than that which you have stated?

A. He may have spoken to me casually, but on such unimportant subjects, that I do not really recollect, so

as to be able to state any of them at this distance of time.

Q. Is the Court to understand, then, that Lieutenant-General Whitelocke did not consult you, his second in command, upon any occasion in the course of that day?

A. Certainly not beyond the points which I have stated.

Q. I am not quite aware that you have stated any points upon which you were consulted.

A. In the general acceptation of the term "Consult," certainly not. I have stated all that passed, that, in my idea, is at all material to the service. I am not aware of any thing else, but respecting the artillerymen, in the nature of consultation. That was not a consultation, that was an order, certainly not beyond the first opinion he asked me as to the position; but in the way of consultation, nothing in the common acceptation of the word. I must beg to state, that this is a period of seven months since, and I did not know it was to be investigated. I have no notes; and I cannot say positively what may, or what may not, have passed, not having written any thing down beyond that which I recollect.

Q. Having stated that the troops marched at day-break, on the 5th, to attack the enemy in the town of Buenos Ayres; that the fire of the enemy commenced immediately afterwards; that it lasted for many hours; that all communication was cut off between Lieutenant-General Whitelocke and the columns engaged in the attack; that no information was received, except in the report of Captain Whittingham, about two or three o'clock, whether the troops were defeated or victorious; did you, or did you not, during that day, hold any communication with Lieutenant-General Whitelocke, or receive any orders from him, other than those which you have already mentioned, having been expressly directed by Lieutenant-General Whitelocke, the day before, to await his orders?

A. None, that I can recollect. I would request the indulgence of the Court, merely to state, that this appearing quite as much my trial as Lieutenant-General

Whitelocke's, whether I should state any circumstances that caused so little communication.

*Judge Advocate.*—I rather think that Major-General Gower is under complete misapprehension, if he considers this, in any degree, his trial.

*Major-General Gower.*—You stated, that an opinion might arise from my reasons; if you have formed an opinion at present, it must be a partial one.

*Judge Advocate.*—I am glad you have stated what you have, because it gives me an opportunity of explaining what I then said. The opinion I had formed, as far as I had formed any, was, with regard to the ground Major-General Gower stated he had for thinking that no further hostility could, with any good effect, have been carried on upon the 6th; that was the only point to which I referred, and I must take this opportunity of stating distinctly to Major-General Gower, that I am not aware of having asked a single question which I did not conceive myself bound in duty to ask, not as containing any reflection upon Major-General Gower, but as relevant to the charges against Lieutenant-General Whitelocke. If the Court think fit to receive any explanation of Major-General Gower, I can have no objection. I am not aware that his conduct is, in any degree, implicated in these questions, in the sense in which he considers it to be: I wish him to understand, the opinion I was alluding to was the opinion Major-General Gower had given, upon which I should, if I saw occasion, animadvert, in the same manner as I might be called upon to do upon the opinion of any witness given in this trial, but in no other sense.

Q. Was you ever consulted by Lieutenant-General Whitelocke, in respect to the attempting to open any communication with the different divisions of the army engaged in the attack?

A. I was not.

Adjourned.

## NINETEENTH DAY.

TUESDAY, FEBRUARY 23, 1808.

*Major-General Gower called in.*

*Judge Advocate.*—Part of an answer given by Major-General Gower to a question I put to him yesterday, escaped my notice. If I had heard it, I should have thought it my duty to put a question upon it. The conclusion of the answer to which I allude is this: "I would "request the indulgence of the Court, merely to state, this "appearing quite as much my trial as General Whitelocke's, whether I should state any circumstances that "caused so little communication?" The question I wish to put upon that is this, Whether the circumstances that caused so little communication arose from any thing Lieutenant-General Whitelocke had said or done? If the answer is in the negative, I shall stop there; if it is in the affirmative, I may think it essential to this inquiry, which is into the conduct of Lieutenant-General Whitelocke, that those circumstances should be stated.

*General Whitelocke delivered in a written objection to the question, which was read, as follows:*

"General Whitelocke certainly would not object to the "Judge Advocate asking any question he might have forgotten to put upon subjects relating to military operations, although he cannot but observe that the examination of the Judge Advocate was closed, and a question "for cross-examination in the hand of the President, which "was only returned on account of the hour. General "Whitelocke requests the Court to advert to evidence "already given, in which he cannot but think that subjects of a private and almost personal nature, as between himself and General Gower, have been gone into, "and entreats therefore the attention of the Court to them. "He again begs leave to say, that he wishes to exclude no "evidence connected with the case, as relating to military

" arrangements, but merely puts himself under the di-
" rection and protection of the Court on the subject. He
" also begs leave to suggest whether such examination is
" proper with regard to General Gower."

*Judge Advocate.*—After what I have already stated, I am not aware that any thing contained in that paper makes it necessary for me to go at length into a vindication of the question which I was about to put to Major-General Gower. I shall merely observe, that after the evidence of each witness is closed on the part of the prosecution, it is for the person who is put upon his defence to examine his witnesses. My reason for putting the question at this time was, because I thought it more fair to Lieutenant-General Whitelocke to put it now, before he has begun his cross-examination, than to put it after the cross-examination was concluded, and when he would not have been able to controvert any facts. I believe it to be the practice of Courts Martial, as it is the practice of every Court of Justice without exception in this country, that if it should so happen that an important question appears not to have been asked by those who conduct the prosecution, after their evidence is closed, that question is suggested to the Judge, and the Judge, as I have always heard, and in my own experience have always seen, has made not the slightest objection to put the question to the witness; therefore it is immaterial whether I put the question out of my own mouth, or suggest it to Sir William Medows. The question is, whether the Court can decide upon the case without having all the legal evidence which the party who conducts the prosecution thinks material to the case. Now, then, it is for the Court to consider whether, after the answer which has been given by Major-General Gower, and which I read, it is not important to know what those circumstances are that he has alluded to. If it should turn out that, in consequence of the answer, the circumstances to which he alluded are circumstances that are unconnected with Lieutenant-General Whitelocke, then I conceive the Court is precluded from going one step further upon that question; but if it should appear that the circumstances to which he alludes are cir-

cumstances connected, as I before stated, with any thing that Lieutenant-General Whitelocke has said or done, then I conceive it may become a most important part of this prosecution. It is, under those circumstances, for the Court to decide, whether the question shall be put or not by me, or whether it shall be put by Sir William Medows. There is one part of that paper which I ought to allude to, I mean that part which states that the answer may not apply. The words are, "to military ope-"rations." I do not know whether the answer will apply to military operations at all. I beg it to be understood, that this charge is not confined to military matters merely: it may apply to various other points besides military operations.

*The Court cleared.*

*The Court resumed.*

*Judge Advocate.*—Q. Having stated that there were circumstances which caused so little communication between Lieutenant-General Whitelocke and yourself during the 5th of July, did or did not those circumstances arise from any thing which Lieutenant-General Whitelocke said or did?

A. From what Lieutenant-General Whitelocke had said.

Q. State then what it was that Lieutenant-General Whitelocke had said which caused so little communication between him and you, the second in command. I hardly think it necessary, but perhaps I am bound to do it, and therefore Major-General Gower will believe that I do it because I am obliged to inform him, that if the answer tends to implicate himself in any degree, he is at liberty to wave the answer.

A. Having consulted me on a specific point on which my opinion differed from his when he demanded it, he had stated that I was throwing cold water on every thing he did, but that he would put me to the test by a question, which was, Whether all his acts, as an officer, in that country were not good. I replied, that the inferiority of my situation prevented me from presuming to give an

opinion of a Lieutenant-General holding a commission as Commander of the forces. He then said, that he considered me as his declared enemy, and that he would supersede me in the situation that I held as a staff-officer in that army. After a reprimand so severe, I did not feel myself at liberty to propose any thing, or to act otherwise than in direct obedience to such commands as I might receive.

Q. When did that conversation take place?

A. On the 4th.

Q. About what hour?

A. It was at the period that the Lieutenant-General spoke to me relative to the summoning of the town. I really do not recollect the hour.

Q. Have you, or have you not, any thing else to state in answer to the last question, with regard to any thing Lieutenant-General Whitelocke said or did on the subject?

A. There was another part of the conversation which I considered as private. This, which I considered as a public transaction, I thought it my duty to state. The other was respecting the opinion of a minister of this country relative to myself, and which I do not think it necessary to state.

Q. Have you stated all that you referred to in your answer?

A. Yes.

*Cross-examined by Lieutenant-General Whitelocke.*

Q. Do you not recollect your Brigade-Major, Lieutenant Cossley, being sent to endeavour to go to the right flank, and being unable to make his way, previous to Captain Whittingham being sent to the left?

A. I do not recollect it.

Q. Were not the carabineers of the 9th light dragoons ordered to advance about nine o'clock, to endeavour to effect a communication with the centre division of the attack; and where were the carabineers of the 9th light dragoons at the time of receiving that order?

A. I do not know that such an order was given.

Q. There appears in the evidence some little confusion as to the different parts of the reserve; Major-General Gower, therefore, is requested to state the situation of the different regiments and detachments composing the reserve on the morning of the 5th, and whether subsequent alterations of their position occurred in the course of the day.

A. The carabineers were ordered, to the best of my recollection, to take up the ground occupied by the piquets of the light brigade, when they moved off: four troops of the 9th light dragoons, dismounted, were ordered to align themselves on the right of the carabineers. The other four troops of the 9th were placed on the high ground near the Coral. The company of the 88th regiment remained to cover the hospital and head-quarters; the detachment of the 17th light dragoons attached to the commissariate, remained there also, as it was the depôt of provision. The small detachments of corps that were left to guard the packs, remained on the spot where their commanding officers had deposited them, near their respective regimental positions. The artillery remained near the Coral. I really do not know where the mounted dragoons were, they were so few in number. I do not know of any change except that caused by the order to charge, which I have before described, and the retreat which the carabineers were obliged to make in consequence of the superiority of the enemy's fire, but which eventually left them something in advance of the position from whence they had moved in obedience to that order.

Q. Observing that the orders for attack have been given in evidence, it may be proper to refer Major-General Gower to them for the first position.

A. A period of eight months has elapsed, and I may have made a mistake.

*Orders read.*

*Major-General Gower.*—May I take the liberty of remarking that, from my recollection of the ground, the description of the carabineers must be nearly correct, and the 9th might have been upon the left of the carabineers, in-

stead of the right. I will say I believe that the detachment of the 9th was on the left, instead of the right of the carabineers. As to the other description, I believe it to be nearly correct.

Q. Was not a large proportion of the 9th light dragoons with the carabineers, in the attack to which you have alluded?

A. Yes, such part as was advanced.

Q. Had not all firing ceased in the town before the evening closed, and were not the riflemen seen on the top of a church near the centre of the town, a little before the end of the day?

A. All firing had ceased at that time, and I heard a report made to Lieutenant-General Whitelocke that the riflemen were seen in that position.

Q. State the distance of head-quarters from the ground on which we had been during the day, and whether the head-quarters were not so situated as to afford facility of communication or acting as occasion might require.

A. Between 400 and 500 yards; and I saw no additional difficulty in communicating with, or acting from, head-quarters by day.

Q. Was it possible, considering the nature of the environs of the town, to attempt to move after dark, or to send any officer to procure information, or open any communication after the evening closed in, or during the night?

A. The whole of the environs were formed into squares, the faces of which were 140 yards each: the multiplicity of roads, there being one round each square, would certainly have rendered it a mere matter of accident if an officer should reach any given point to which he was ordered by night.

Q. Had not the head-quarters constantly remained at White's house, from the morning of the 3d; and was not the reserve, in the orders of the 4th, stationed in the front of it, thereby indicating its continuance of being head-quarters?

A. Yes. I understand the question is as to the locality of the head-quarters; whether the locality of the head-quarters presented any other difficulty than any other

position in the neighbourhood; any difficulty is what I understand.

*A Member.*—If the country is extremely difficult, and you are obliged to go round in the day-time, certainly a distance of 5 or 600 yards makes it more difficult. It will take more time to go 5 or 600 yards than if you had not that distance to go: if a country is in itself extremely difficult, why increase the difficulty?

*Lieutenant-General Whitelocke.*—Q. Was there not, near to head-quarters, in the front, a more considerable opening on which we were, than in the neighbourhood? and I beg you to refer to the map.

A. The square immediately in front of head-quarters, though marked out, was not either cultivated or fenced, and the whole of the front of the Coral, till the entrance into the street, was also open. I beg leave to state what I conceive the environs of Buenos Ayres to have been. The whole of Buenos Ayres is laid out in streets, nearly parallel, and intersected at right angles, at 140 yards from each other; a considerable part in the vicinity of the town had been marked out in the same way, which was the cause of the numberless roads that led into the town.

*A Member.*—Q. Was the position of the light brigade, in the rear of which the Commander of the forces stood, in a line, or nearly so, with the rest of the army?

A. It was.

Q. Then how far in the rear of that position was the position of Mr. White's house, the head-quarters?

A. Between 4 and 500 yards.

Q. Having stated that the squares, which were not built upon were cultivated; in what manner were they cultivated?

A. Generally as gardens or orchards.

Q. Lieutenant-General Whitelocke having been informed that the enemy intended to defend the town by barricading the streets and occupying the tops of the houses; do you know the reasons that induced General Whitelocke to order the troops to march to the attack with unloaded arms?

A. I do not.

Q. Do you know what number of tools were delivered to the troops, for the purpose of breaking open houses, or for breaking down the barricadoes of the streets?

A. I do not: I think they were distributed by the Deputy-Quarter-Master-General, Lieutenant-Colonel Bourke.

Q. At the time Captain Whittingham brought the message from Sir Samuel Achmuty, was it under consideration between General Whitelocke and you, whether either of you should go to Sir Samuel Achmuty's post, to judge, upon the spot, whether it would be advisable to attempt any further operations with the corps under Sir Samuel's command?

A. Not that I recollect.

Q. Were any, and what, wounded brought to Mr. White's house in the afternoon of the 5th, or during the time Lieutenant-General Whitelocke was there on the night of the 5th?

A. Several men of the carabineers and the 9th dragoons, and a few men of the artillery.

Q. Whether there was any, and what period, during the 5th, when the station of Lieutenant-General Whitelocke might have been changed to advantage?

A. I think it might after the middle of the day; for, by going to the Plaza de Tauros, although you increased the distance from the right columns, and Colonel Mahon, it afforded an additional possibility of communicating by water.

Q. Having given your opinion, that a bombardment of the town would not have any effect, state your reason for such supposition, whether it arose from the experiment made with the 24-pounders at Monte Video on the house or houses there?

A. I believe I did not say it would have no effect: but to the question I will answer, Yes, in a great degree.

Q. Were you acquainted, on the morning of the 6th, that the Admiral had embarked the heavy ordnance ready for landing, and that the gun-boats would also be ready to cover the landing?

A. After my arrival at the Plaza de Tauros, I saw the gun-boats close in shore: I did not know of any other

ordnance ready to land, except the one 24-pounder, which I saw on the beach: it was landed under cover of the high ground of the Plaza, and therefore did not want any assistance or cover from the gun-boats.

Q. At what period of the day, on the 6th July, was it communicated to Lieutenant-General Whitelocke that Major-General Craufurd and Lieutenant-Colonel Duff had surrendered to the enemy?

A. I think it was asserted in General Linier's letter: I did not feel that the fact was ascertained till I heard it, I believe, from Brigadier-General Sir Samuel Achmuty, and that he had derived his information from Captain Carrol, of the 88th regiment, who had come out with a flag of truce to that post.

Q. Having been informed, and finding that information true, that the flat roofs of the houses were occupied, to the very great annoyance of the troops, even at the commencement of the attack, and entrance into the streets; why was it not attempted to set fire to such houses, or was such a measure ever suggested?

A. I believe it was impossible to set fire to houses constructed as they were.

Q. Was Lieutenant-General Whitelocke acquainted with the situation of Colonel Mahon's corps, at the time when he agreed to open a negociation for a treaty with the Spanish Commander?

*A.* I am not sure: I think he was.

Q. What was the distance from the Plaza de Tauros to the water side, where the 24-pounder was landed; and had you not a more open communication from the Plaza de Tauros than with the shore?

A. About 300 yards: the communication there was perfectly open.

Q. Where was the main body of the enemy, and how stationed, in the evening of the 6th of July, and what distance from the Plaza de Tauros?

A. I had not an opportunity of observing, being at that time in the fort with a flag of truce.

Q. Do you know whether any Spanish army was in the country, that in the course of a few days might have come to the assistance of Buenos Ayres?

A. I have understood that the whole population in that vicinity, not engaged in the immediate defence of the town, was assembled to assist them.

Q. Might not the roads leading from the country to Buenos Ayres, have been so occupied by the British troops, as to have prevented any supply of provisions being brought to the town?

A. It was impossible, with the number of British troops present before Buenos Ayres, from the extent of the town, to prevent the introduction of any supplies which they might wish.

Q. How many main roads were there, to your knowledge, leading from the country into the town?

A. The number is very considerable for some distance from the squares which I have before mentioned; there are four or five which I know, from the point in the rear of White's house, between that and the Chuello, after the squares cease; how many there are in the rear of the neighbourhood of the Recollata, I cannot so exactly tell.

Q. Was not the position of the army, on the 6th July, with the ordnance intended to have been landed that day by order of Admiral Murray, such as to have resisted every effort of the Spanish forces?

A. I do not know what ordnance Admiral Murray had directed to be landed. I do not think on the 6th July that the enemy could have made any impression of consequence on the British army.

Q. Is the Court to understand that you were made acquainted with the actual state and situation of Colonel Mahon's corps when you were first sent to treat with the enemy?

A. I do not exactly recollect whether Captain Whittingham had returned at that time or not; I think he had; and that he had reported that Colonel Mahon was on his march towards the Plaza de Tauros.

*The witness withdrew.*

*Brigadier-General Sir Samuel Achmuty called in.*
*The third and fourth charges read.*

*Judge Advocate.*—Sir Samuel Achmuty having broken

off his narrative at the close of the 4th July, he will now be so good as to continue the detail, to the best of his memory, of the military operations of the 5th July, and of every thing that passed, relative to those charges, up to the time of the signature of the treaty.

*Sir Samuel Achmuty.*—Before the appointed hour for the attack, I visited the different columns of my brigade, and observed that they were posted as directed the evening before by the Deputy Quarter-Master-General. I then took my station with the right wing of the 87th; the centre regiment of my brigade having been directed to detach the 38th regiment, which was the only corps that was not divided; on the signal being made (a cannonade from the centre) we advanced, without any opposition, between one and two miles. By the sketch of the town which I received from head-quarters, marking the routes of the different columns, there were two streets between the left wing of the 87th regiment and the Plaza de Tauros; I consequently expected to leave that post considerably to my left. The day had not yet sufficiently dawned to see objects at any distance, nor had a shot been fired at us, when we were suddenly assailed by a discharge of grape from one or two guns, the latter, I believe, directly in our front. Though the fire was extremely destructive, particularly on the grenadiers, the column still pushed on, when a very heavy fire of musketry opened upon us from a building, which I afterwards found was the Plaza de Tauros, and which contained about 1000 men. The column was some time exposed to this fire. Still desirous to advance, the rear of the column now commenced a firing, which made the situation of those in front more dangerous. At length it began to waver, and to fall back. At this moment Lieutenant-Colonel Butler and the Officers, all of whom behaved with the utmost gallantry, exerted themselves to stop the men, and to induce them to follow me in an attempt to get into a garden on the right of the street, in which they succeeded, and we penetrated into the next parallel street to the right of the one we had left. In advancing along this street, we found a deep water-course running through the centre of it, which fortunately sheltered us from the fire of the Tauros, which was still very

This street led us to the river, where I occupied [illegible] and collected the remains of my column, as [illegible] left column of the regiment, which had also [illegible] to the front of the Plaza de Tauros, which had suffered equally, if not more severely, than the right, had behaved with equal gallantry, and had finally been obliged to pursue the same course, and to join me. During this service the regiment killed numbers of the enemy, and took about 100 prisoners, with three field-pieces. I now saw the colours of the 5th regiment planted on the convent of St. Catalina; which leaving me secure on my right, I sent detached parties in my rear, to clear the houses on the heights, which the enemy were firing from, and which looked down upon my post. During this service, I heard a firing on my left, which convinced me that the 38th was approaching; and soon afterwards the heights in my rear were evacuated by the enemy. A communication with the 38th was now practicable, and I found that gallant and highly disciplined corps under Major Nugent well advanced in the attack of the Tauros. When I joined them, he was in possession of most of the enemy's artillery, and all their stores and buildings, except the Tauros itself, which still kept up a very heavy fire: but Major Nugent had brought up a 12-pounder, sheltered by the angle of a house, to bear close upon it, and detachments from the 87th regiment invested it on the other side. Finding that the place must immediately surrender, desirous that Major Nugent should have the honour of finishing what he had so judiciously begun, and anxious to examine the post occupied by the 5th regiment, I left the Tauros; immediately after which, about nine o'clock, it surrendered: on which I returned, and ordered the 87th into it. After making a few hasty arrangements, I proceeded through the street to the convent of St. Catalina, and joined the right wing of the 5th regiment; the left wing of that corps was advanced more towards the 36th regiment. Soon after my arrival, an officer came to me from Brigadier-General Lumley, acquainting me that the enemy were in force near him, that the left wing of the 88th regiment, and, he believed, the right wing, were prisoners, and that he was desirous of receiving any orders

I might give him. I recommended to him, if he had no orders to the contrary from a superior officer, to remain at his post as long as he could with safety, but if he was hard pressed, to fall back on the 5th regiment, to whom I should give orders to place themselves under his command. I then acquainted the commanding officer of the 5th regiment that I should return to the Tauros, to put that place in a state of defence; and, should General Lumley join in with the 36th regiment, to inform the General that I wished the two regiments, if hard pressed by the enemy, and in danger of being surrounded, to join me at the Tauros, delaying it as long as possible, that I might have time to make arrangements for its security. I found some difficulty in returning to the Tauros, scattered parties of the enemy being in the streets, and firing from the houses. Early in the afternoon, General Lumley joined in with the 5th and 36th regiments, having met with much opposition from the enemy in retreating from the posts they occupied, and which he considered as no longer tenable. During all this time I was ignorant of the situation or intentions of the General, nor could I venture with safety, as I had no cavalry, to detach a small party to report to him. At length, about four o'clock, Captain Whittingham came to me from the head-quarters: he acquainted me that the General and General Gower were still at the ground we before occupied, that the General was ignorant of the situation of any of the columns, and had sent him to procure what information he could from the left. After detailing to him the occurrences of the day, as far as I was acquainted with them, I desired him to assure the General that I was under no apprehensions for the safety of the post; that I had opened a communication with the shipping, but that I was in want of an artillery-officer and some men of that corps. I recommended to him, if the events in the right of the town would permit it, to join me, and make my post head-quarters. Early in the evening I received a second message from the General, directing me to defend the post during the night, assuring me that he would either see me or communicate with me the next morning, and informing me that he had sent 16 artillery-men to join me. There was no commissioned officer at-

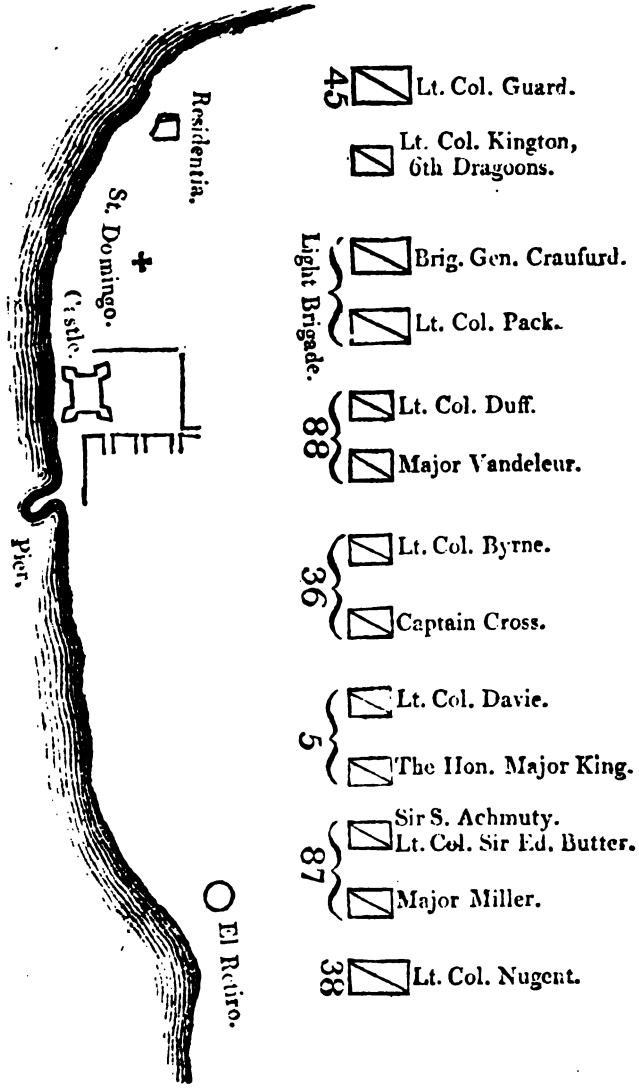
tached to these men. The next morning, a letter from General Liniers, addressed to the Commander of the forces, was received at the out-posts, and a message from that General, acquainting me that he should abstain from hostilities until twelve o'clock, waiting the General's answer, provided hostilities ceased at our different posts. In reply I informed him I should send his letter with a flag to General Whitelocke, and should abstain from firing on the town, provided I remained unmolested, but that I had no authority over the other posts of the army. About noon, the General and General Gower came to the Tauros, and the General was pleased to show me the communication from General Liniers, and confidentially to ask my opinion about acceding to the terms contained in it. When I reflected on the unpleasant situation in which the army was placed, that all the light infantry and all the riflemen were prisoners, that upwards of one-half of the troops who were engaged were either killed, wounded, or taken, exclusive of the 45th regiment, who were shut up by the enemy; that the remainder were fatigued, without confidence, and exposed, at the most inclement season of the year, without blankets, great-coats, or a change of necessaries, which in that climate must be productive of great sickness; when I reflected on the scattered state of the troops, and the probability that either Colonel Mahon's detachment, the only untouched and unfatigued part of the army, or the troops left at the Miserere by the General, might be separately attacked by the whole force of the enemy; when I adverted to the difficulty of procuring ordnance, stores, and provisions from the fleet, as none of the ships could approach within seven miles of the shore, and the river at that season is very tumultuous, and frequently not navigable; when I considered the loss there was every probability we should sustain if hostilities should re-commence, from a people elated with their brilliant success, the difficulty of either burning or destroying the town with our artillery, where the houses are built of brick, with terrace roofs, no wood being employed in their construction, except the beams, which were covered over with terrace, and the bricks so soft that the shot penetrated without shaking them; when I adverted to the dif-

ficulty of making a retreat, that we must leave 4000 of our best troops in their possession, and to the danger that must have succeeded even the capture of the place, for our numbers would then have been totally unequal to keep it; when I turned to the situation in which Monte Video was left, with a garrison unequal to maintain it without turning out all the inhabitants, without any hopes of a reinforcement, for the troops that were expected from England were supposed to have borne away to the West-Indies; when I weighed all these circumstances, and was persuaded that Monte Video could only be maintained, supposing the army to have effected their retreat there, by provision from the ships (for the country would certainly have been shut up from us); and when I called to mind the declaration of his Majesty's Ministers in their instructions to General Whitelocke, that the possession of the country could not be an object, unless it could be maintained by a force which from experience I knew was very insufficient for that purpose; I had no hesitation in saying, that if better terms could not be obtained, and a period of six months given for the evacuation of Monte Video, with a facility to the merchants to dispose of their goods, in my opinion they should be acceded to. The General immediately called to General Gower, and acquainted him that I was of the same opinion with them both; on which General Gower observed to me, that he had objected to any answer being returned until the Plaza de Tauros had been examined; but finding that the possession of it by no means ensured, or even greatly facilitated, the capture of the place, he thought it would be prudent to enter into a negociation. General Gower was then sent into the town, and returned in the evening, saying that the period of two months for the evacuation of Monte Video was positively insisted on, and he believed would not be receded from. The General then determined to accept the terms, and a treaty was concluded, a copy of which I first saw on my return to England.

*Sir Samuel Achmuty then put in the plan which he had adverted to.*

# ASSAULT OF BUENOS AYRES,

## ON THE 5TH JULY.



*Judge Advocate.*—Q. Do you know the number of intrenching tools which were in the possession of your column on the morning of the 5th?

A. I do not know of any.

Q. Can you state what number of artillery or artillerymen were attached to your column on the morning of the 5th, or how the soldiers of that corps were employed?

A. I had neither artillery nor artillerymen with me; nor am I acquainted how they were employed, further than that a cannonade in the centre was the signal to advance.

Q. You stated your having received a second message from Lieutenant-General Whitelocke in the course of the 5th; by whom was that second message conveyed?

A. The message was given me in a note from the General's secretary, and it was conveyed, if I recollect right, by a Quarter-Master of dragoons.

Q. Having stated that that second message was received by you in consequence of the answer and the report which you made to Lieutenant-General Whitelocke by Captain Whittingham, will you state, as far as your memory enables you, the interval that took place between Captain Whittingham's leaving the Plaza and the second message that you received?

A. I should imagine about two hours; but I cannot say exactly.

Q. State, as accurately as you can, the hour at which Captain Whittingham left the Plaza.

A. Captain Whittingham came to me about four o'clock, and certainly did not stay a quarter of an hour.

Q. Then if Lieutenant-General Whitelocke had thought it expedient to comply with your recommendation; if events would permit him to join you, and to make the Plaza the head-quarters; would he, or would he not, have reached the Plaza soon after six in the evening, upon the 5th?

A. I should think he might.

Q. Do you know with what escort the Quarter-Master arrived at the Plaza de Tauros?

A. He had 16 artillerymen with him. I do not know what other escort he had, or whether any other.

Q. How could Colonel Mahon's corps and the troops at the Coral be attacked by the whole force of the enemy, while the British troops were in possession of the Plaza de Tauros and the Residentia, the two flanks?

A. I neither heard the firing nor did I know any thing of the attack made on the 88th regiment, which was close to me, nor on General Craufurd's brigade, both of which were much nearer to me than the troops under Colonel Mahon. The regiment which I had with me at the Tauros had been so scattered and destroyed that I did not calculate upon more than 1200 under that night, a force very insufficient to detach from. The Residentia I understood was shut up.

Q. From whence did you derive your information as to the Residentia being shut up in the course of the 6th?

A. I cannot call to mind how I first heard of the situation of the 45th, nor the exact time.

Adjourned.

## TWENTIETH DAY.

WEDNESDAY, FEBRUARY 24, 1808.

*Sir Samuel Achmuty called in.*

*Judge Advocate.*—Before I proceed with the examination, I believe Sir Samuel Achmuty wishes to correct some part of the evidence he gave yesterday.

*Sir Samuel Achmuty.*—I wish to mention to the Court that I have been reminded, since yesterday, that in the message I sent by Captain Whittingham to General Whitelocke, I observed to Captain Whittingham that my post was perfectly secure. I wished him not to hurry himself, but to see how the right of the army was placed, before he came to the Tauros. I do not recollect the particular words, but I remember ordering him to tell the General not to hurry himself, as my post was perfectly secure.

*The general orders read.*

*Judge Advocate.*—Q. Were the directions contained in those orders complied with, as far as relates to the corps under your command?

A. I complied with them, as far as circumstances would admit.

Q. Did the troops proceed with unloaded arms?

A. They were unloaded as we advanced.

Q. You have stated that in your report to Lieutenant-General Whitelocke through Captain Whittingham, you desired to have sent to you an artillery officer, and some artillerymen, that 16 artillerymen were sent, but no officer: do you know why the Lieutenant-General sent no officer with the men?

A. I do not recollect that any reason was given.

Q. You have stated that among the reasons which induced you to enter into a negociation upon the terms proposed by General Liniers, one was that the troops were fatigued and without confidence. Explain what you meant by the terms "without confidence."

A. This Court may more easily conceive than I can express what was meant by the words "want of confidence." The troops were entirely without confidence at the time I am speaking of. Many of them were speaking in terms that were highly improper, but of which it was impossible to take notice: I mean want of confidence in their General.

Q. Had your knowledge of this want of confidence of the troops in their General, expressed in the manner you have stated, a considerable share in deciding you to approve of the abandonment of the advantages which the troops had gained at Buenos Ayres, and the strong post of Monte Video?

A. It certainly had some share in inducing me to recommend giving up Monte Video. As to the advantages gained at Buenos Ayres, they were purchased so dearly, that I could not consider them as such.

Q. If, instead of that want of confidence, you had found the troops full of confidence in their General on the 6th, and had yourself reason to think that confidence was well placed, should you have thought yourself justified in re-

commending the abandonment of Monte Video, under the circumstances in which the army was then placed?

A. I should have hesitated much; but I still think I should.

Q. If General Whitelocke's instructions were not to abandon Monte Video except in case of necessity; are you of opinion that that case of necessity had arrived, in a military view, to justify his abandonment of Monte Video on the 6th of July?

A. I think that necessity was arrived, in a military view, provided better terms could not be obtained.

Q. Are you then of opinion that the British force at Buenos Ayres on the 6th of July with the garrison left at Monte Video, were not, in a military point of view, sufficient to maintain the post of Monte Video?

A. A much less number of men would have maintained Monte Video, if they had been in garrison there.

Q. Are you then of opinion that that garrison could not have been supplied with provisions, either from the country, or by means of the shipping?

A. I am very decidedly of opinion, that the country would have been shut up from them, and that they must have been supplied from the shipping.

Q. Might not the garrison have been supplied with provisions by means of the shipping?

A. I know not what resources the shipping had. I know from experience there would have been a difficulty in getting provisions from the Brazils, and probably from the Cape: I got some provisions both from the Brazils and from the Cape. Immediately on taking Monte Video, I opened the port to all neutrals bringing provisions for, I believe, 12 months; and I have reason to think that a supply would have come from America, of flour particularly.

Q. Then have you any reason to think that it would have been impracticable to have procured a supply of provisions for a garrison left at Monte Video, sufficient to secure it against the enemy, by means of the shipping?

A. I have already said there would be some difficulty and uncertainty about it; but I fairly and candidly own, that I believe the garrison might have been supplied.

Q. If there were more than troops sufficient to garrison

Monte Video, and that garrison might have been supplied with provisions, explain your meaning, in stating that the necessity had arrived, in a military point of view, for abandoning Monte Video?

A. That garrison was before Buenos Ayres; and the difficulty, danger, and disgrace of retreating in the face of a victorious enemy, and re-embarking, is what I mean by the necessity.

Q. Was the British force, remaining on the 6th of July, equal to combat and defeat any force which the Spaniards could have brought against it out of the town?

A. If they had met them fairly in the field, most certainly it was sufficient, when united.

Q. Was the British force, after the junction of Colonel Mahon, adequate, in a military point of view, to the maintenance of the Plaza de Tauros?

A. Certainly it was.

Q. Would not the Spaniards' meeting the British troops fairly in the field, have been the necessary consequence of any attempt made by the Spanish General to interrupt any movements which Lieutenant-General Whitelocke might have made for the purpose of retreat?

A. It certainly would not have been a necessary consequence.

Q. Would not Reduction have been a favourable post for the retreat of the army, making the Chuello their line of defence, and the point of Quilmes the place of their re-embarkation?

A. If the army had been obliged to retreat, I should suppose that the point of Quilmes, below the town, or the Conchas, would have been the proper place for re-embarkation.

Q. Would not the consequence of adopting either of those plans have been, that the army would have re-embarked without any material loss, or that a general action must have taken place?

A. I am of opinion that they would have suffered very material loss; and I do not think that a general action would have taken place.

Q. Explain the grounds of that opinion.

A. The enemy would have had it in their power to have harassed the troops without a general action, and probably to have attacked the remainder with advantage after part of them had been embarked. I must observe to the Court, that the ships were seven miles from the land, nor could they come much nearer. The Court will permit me to observe (and they well know) the difference between a corps of 5000 men, well found and equipped and full of confidence, and a corps of 5000 men in the state which I have described.

Q. How near could the shipping, and particularly the gun-brigs and gun-boats, have come to the shore at the point of Quilmes?

A. I cannot particularly say. The gun-boats, I believe, could have come near the shore. The shipping, I think, must have laid down below, at some distance.

Q. Could not the rear-guard have established itself on the banks of the Plata?

*Lord Cathcart.*—I submit to the Court, whether the course has not been to examine to facts, and for the Court to apply those facts, according to their own professional knowledge and judgement of the service, and not to take the opinion of the witness applied to the facts.

*Judge Advocate.*—In answer to the noble Lord, I must observe, that the question, whether opinions were to be received or not, arose very early in this Court Martial: the Court then came to an unanimous resolution, that the opinions of general officers were to be asked, and their opinions have been asked, during the whole course of this trial. Unquestionably, at this moment, I feel extremely anxious to obtain the opinion of an officer high in command, and equally high in character, upon all the points to which that opinion can apply. If the Court think it fit, at this stage of the prosecution, to interrupt the proceeding, and to reject that course, it will be for them to consider, whether it will not be proper to erase from the minutes all the opinions that have been given. I own that if opinions are to be taken, the course which I have now adopted, appears to me to be important; namely, to ascertain what would have been the consequence, if a

different course had been taken than that which was taken by Lieutenant-General Whitelocke.

*The Court cleared.*

*The Court resumed.*

*Judge Advocate.*—Did the opinion which you gave upon the treaty include any approbation of the conduct which had led to the state of things that existed upon the 6th of July?

*(General Whitelocke handed to the President a written objection.)*

*Judge Advocate.*—The objection, or observation rather, which Lieutenant-General Whitelocke makes to the question, is this:—

"Does the question apply only to Sir Samuel Achmuty's opinion of the propriety of the plan of attack, or any general opinion of conduct. If it is explained to mean only the first, Lieutenant-General Whitelocke will not object. To the latter, he must request permission to object."—I have no difficulty in stating, that when I put the question, I meant it to apply generally to the conduct which Lieutenant-General Whitelocke pursued during the expedition, including, of course, among other points, the plan of attack. It will be fair to state, shortly, the ground upon which I put the question. I put it to Sir Samuel Achmuty, because I have had reason to understand, from the conduct which the Court has pursued during this prosecution, that the opinion of general officers of rank and experience, similar to that of Sir Samuel Achmuty, grounded upon their local knowledge, may give assistance to the Court in forming their opinion upon the merits of the case. It was upon that ground, decided, as I understand it to have been, by the Court, that I put several questions in former stages of this prosecution to the generals engaged in the expedition; and it is upon the same ground that I put the question now.

*Lieutenant-General Whitelocke delivered in a paper, which was read, as follows:—*

"I must object to this question. I am sorry that I "must trouble the Court rather fully upon it, but I am "satisfied that, in a case so important to myself and the "country, the Court will forgive my trespassing a little "upon their time.

"I object to general opinions being asked, as totally "contrary to every principle of law and justice; as tend- "ing to establish a most mischievous precedent, and put- "ting it in the power of every witness who may be bi- "assed, or who may, from any supposed neglect or in- "jury, have imbibed prejudices against the person "charged, to do him an irreparable injury, without his "having any possible means of redress.

"I beg I may not, even for a moment, be supposed to "insinuate or imagine, that the witness now under exami- "nation, has, or could, entertain or possibly act upon any "such feeling.

"I object to it now, when first put, upon the ground of "precedent, and earnestly call the attention of the Court "to it.

"I submit, with great deference to the Court, the fol- "lowing grounds for this objection:

"In courts of law, opinions are never permitted to be "asked, but in cases in which subjects of science are to be "ascertained, and in which it is therefore necessary to call "men of science upon questions relating to their profes- "sion, for the purpose of enabling a jury, who are igno- "rant upon the subject, to decide. If the question is in "a criminal case, whether a man died of a wound, or in a "civil action against a surgeon by a patient for unskilful "treatment, whether proper means were used to cure a "wound, medical men are called to give their opinions "upon the facts stated even by other witnesses, as to "whether the death arose from the wound, or whether the "wound was properly treated.

"In no other cases whatever are opinions admissible "in a court of law, except in the general evidence which

" is allowed to be given of the character of a person
" charged, who, in a criminal case in a Court of Law,
" or in Courts Martial, is allowed to ask witnesses a ge-
" neral question as to his character and conduct in life, or
" as an officer.

" The Court is to form an opinion, and to draw con-
" clusions from the facts before them, as the foundation of
" their ultimate determination; and, on this subject, I beg
" leave to refer the Court to what took place in the trial
" of Admiral Keppel, in the evidence of Lord Mulgrave,
" in which the Court, though offended with the manner in
" which Lord Mulgrave objected to a question of opinion,
" nevertheless found themselves obliged to wave compell-
" ing him to answer any such question.

" The only case in which opinion has been permitted,
" was that of Lord Sackville, in which it is to be observed,
" that every species of irregularity, and departure from all
" rules and usual forms, both of Courts of Law and of Courts
" Martial, and almost from all decorum in the altercation
" between Lord Sackville, the Members of the Court, and
" the Judge Advocate, took place; and in which it was
" even allowed to support the evidence of witnesses by
" proving their conversations, and what they had said out
" of Court to other persons not in presence of the prisoner,
" and to apply direct hearsay evidence, both to the pri-
" soner and witnesses against him.

" I beg, at the same time, to be understood, as not
" objecting to many questions which have arisen and
" which must arise in every investigation of this sort, in
" which it is for the Court to judge, how far the profes-
" sional opinion, founded upon the experience and science
" of the witness, will enable them to form a just estimate
" of the nature and practicability of a country—the faci-
" lity with which it might be crossed, the probable ef-
" fect of any particular measure, if it had been adopted,
" or of any attack which might have been made, and in
" which, therefore, the Court may avail themselves of the
" experience of a witness, and ask even his opinion as an
" officer upon a point of science, or relating to the service,
" as the only means of enabling them to form a correct
" judgement. This is in conformity with the practice of

" all other Courts, in which opinions on subjects of science " are allowed, and the Court in this case exercise their " discretion as to the points upon which they will pursue " such a course of examination.

" But it is not consistent with the justice due to the " person accused, nor with the dignity of the Court, to " transfer to the witnesses power which is delegated by " his Majesty, namely, that of judging of the conduct and " motives of the person charged.

" The witnesses may, when asked, assist the Court with " their opinions upon subjects connected with the science, " but are not to be allowed, still less asked, to draw con- " clusions or give opinions upon the conduct of the person " accused.

" The witness, therefore, cannot be permitted to state " whether, in his opinion, I conducted myself well or ill, " or performed or neglected my duty on such a day or oc- " casion, or draw any inferences or conclusions in relation " as to my conduct; he is to state what he saw and heard, " and what I said and did, and how I acted, in relation to " the subject of charge; and from his evidence the Court " draw the necessary inferences and conclusions upon my " conduct, and form their own opinion as to whether I " performed or neglected my duty.

" This is analogous to the cases of daily occurrence, in " which the nature and character of the offence depends " upon whether the person charged was actuated in what " he did by malice towards the person injured. A witness " is never allowed, nor can be permitted, to state his opi- " nion or belief, that the prisoner was actuated by ma- " licious motives; that is an inference or conclusion to " be drawn only by the Court and Jury from the facts " proved, and the conduct of the party, and what he said " and did.

" This is founded on the wisdom of our Courts, and in " protection of those charged.

" If a man swears to facts which are false, or to his be- " lief even of facts which he must know to be false, as, for " instance, that he believed certain ground to be practi- " cable, which he must from examination have known not " to be so, I could indict him for perjury; but I could

" indict no man for saying that he thought I conducted " myself ill, or did not perform my duty, though his opi- " nion might be founded on prejudice or malice. Evi- " dence of any extent or description of this sort may be " given with impunity. God forbid, that I should impute " perjury to any of the witnesses who may be called; " their profession and situation exempt them from the " suspicion: but I need not advert to the opening ad- " dress of the Judge Advocate for proof of strong opi- " nions having gone forth. I trust I shall prove them to " be founded on prejudice; but they may, nay they must, " sway the opinions of many. If opinions of this sort are " permitted, what must be the situation of those who have " been unfortunate, and become the subject of a criminal " charge. There will be enough witnesses who will " judge from misfortune only to convict.

" But it is not only in the wisdom of Courts for the " protection of persons accused, that all this is founded. " It is founded also in the purest reason, and in what is " essentially due to the character of the Court itself. " Opinion is but the conclusion which a man draws for " himself, as the just result of his own reflection upon " certain facts. Different men very frequently draw dif- " ferent conclusions from the same facts; and it is abso- " lutely necessary, in order to form any judgement of the " validity of any one opinion, that all the facts upon which " that opinion has been formed should be presented to " those who are to judge of that validity, in order that it " may appear to them whether the opinion which has " been so formed upon them is correct or not. To sup- " pose that the mere opinion, unaccompanied by the facts, " of any witness, upon any case (except in the instances " before stated), can be taken as evidence to govern the " judgement of the members who are to decide upon that " case, seems to be almost an insult upon the Court, inas- " much as it supposes a total surrender of its deliberative " functions, and of its duty to judge for itself. And to " offer a witness's opinion as evidence, though accom- " panied by a statement of the facts on which he forms " it, is to offer what is obviously nugatory and useless. " For if the opinion which the witness has formed upon

" those facts be an erroneous opinion, it must necessarily
" be rejected; and if it should even appear to be a just
" one, it can be no more than that which the Court, upon
" the consideration which it must give to those very facts,
" in order to ascertain whether it be a just opinion or not,
" must have already formed for itself. So that in either
" case, whether the opinion of any witness be a just or an
" unjust one, it cannot have the effect of evidence to in-
" form, or in any manner to assist or influence the judge-
" ment of the Court.

" I have been supposing that all the facts of the case
" are already known to the witness; but the Court must
" see that it is very possible that a witness's knowledge of
" the facts may be only a partial one; and different cir-
" cumstances only may be known to different witnesses;
" and different witnesses, supposing themselves to be ac-
" quainted with all the facts of the case, though really not
" so, may severally entertain, and conscientiously too,
" upon what they each suppose to be the same case, opi-
" nions diametrically opposite to each other. Yet if mere
" opinions are to be taken as evidence, each of those opi-
" nions, coming from witnesses alike honourable and in-
" telligent, will be entitled, however opposite and contra-
" dictory, to be alike received; and the investigation
" which will be necessary for the Court to determine the
" preference due to this or that opinion, will be precisely
" the same as will be required to decide upon the charges
" themselves.

" But it is not for the trial of officers' opinions that this
" Honourable Court is assembled; and I feel confident
" that it is neither by those opinions, nor by any which
" may have been hastily taken up, or studiously and in-
" decently expressed abroad, that the charges before you
" will be tried. It is to this Court, and to the judgement
" of the Honourable Members who compose it, that those
" charges are referred. It is by *their* opinions that the
" estimate of my character and conduct is to be formed;
" and I submit, with cheerfulness, to officers whose rank
" and characters are a sure and safe pledge that, not con-
" descending to be guided by the prejudices, or, I hope I
" may say, by the opinions of other men, the only judge-

" ment on which their decision will be formed, will be " their own.

" I am sorry to have troubled the Court so long; but " in a case like this, in which such strong prejudices have " been excited, in which even strictures upon my con- " duct have been published and industriously circulated, " since it was known I was under arrest for trial, by of- " ficers on the expedition, it is impossible I can, without a " most solemn protest against it, allow such evidence to " be given. I entreat the earnest attention of the Court " to it, not for myself only, but as their deliberate deci- " sion will establish a precedent for other cases, and beg " the Court once more to refer to Lord Keppel's trial, " pages 91 and 92, and Peake's evidence, page 190, in " support of the arguments I have submitted."

*A Member.*—We want to know the grounds of the opinion which was founded upon a fact.

*Judge Advocate.*—It is fit I should state, that I mean to follow that question by another; that is, if the Court decides that the question may be put, I mean, in pursuance of the line of conduct I have already pursued, to ask Sir Samuel Achmuty a question as to his opinion concerning the conduct of Lieutenant-General Whitelocke; and I am not in the least shaken by what I have been reading, in my view of the propriety of it.

*A Member.*—You wish to know the grounds on which Sir Samuel Achmuty formed the opinion he gave to Lieutenant-General Whitelocke, and whether it was the effect of any approbation of the conduct that led to the state of things which produced that opinion, or the reverse.

*The Question read.*

*A Member.*—It is, as to the opinion General Whitelocke received from Sir Samuel Achmuty; we must know the grounds upon which that opinion is formed.

*Here a Paper was handed to the President, which was read, as follows:*

" As explained by an Honourable Member of the Court,

" I do not object to it. It is only as explained by the " Judge Advocate, as asking general opinions as to my " conduct, or on hypothetical grounds, that I object. I " do not object to Sir Samuel Achmuty's opinion upon " any military operation, or act, or arrangement."

*Judge Advocate.*—Then I am afraid that a good deal of the time of the Court may have been consumed to no purpose, because the question I was about to put was not an hypothetical one, it was a question founded upon what he had seen, upon what conversation he had had, or any other fact that passed before his eyes, that enabled him to form an opinion.

*The Question read.*

*Judge Advocate.*—Lieutenant-General Whitelocke asked me whether I meant to confine it to the plan of the expedition, or extend it to the general conduct of General Whitelocke. I stated, I did not confine it to the plan; if by the plan, is meant the plan in the Gazette; but to the general conduct of Lieutenant-General Whitelocke.

*A Member.*—The question imports this; you gave an opinion to General Whitelocke, and the Court asks, Upon what did you found that opinion? Tell us the motives that actuated you in giving that opinion?

*Judge Advocate.*—Q. Did that opinion include any approbation of the conduct of General Whitelocke?

A. Certainly it did not.

Q. Was it, or was it not, your opinion that the force which left Monte Video to engage in the expedition against Buenos Ayres, if differently conducted, would have been successful?

*Judge Advocate.*—I do not mean to conceal that; I consider it to be a question of opinion founded upon fact. I am placed in some difficulty in this place, because I do not know whether the objection that Lieutenant-General Whitelocke has made to the questions are such as have produced an impression upon the minds of the Court. I am prepared to answer satisfactorily (to my own mind at least) the objections; many of which appear to be founded on the premises that are laid down from the conclusion

I draw. I am not asking a general question of opinion of an indifferent witness, but the opinion of a General Officer, who has been upon the spot, and who held a high command in the expedition, as to the conduct of Lieutenant-General Whitelocke. I am calling upon him to give that information to the Court, not upon hypothetical questions on military science, but to give that information which the Court, not having been upon the spot, cannot be apprised of. That is the ground upon which I put the question.

*A Member.*—I suppose, if there was any doubt about the propriety of your proceeding, some Member would order the Court to be cleared.

*The Question read.*

*A Member.*—I really cannot reconcile my mind to receive any opinion which Sir Samuel Achmuty may give upon the conduct of General Whitelocke, to bring it into disrepute. It will be a sort of pre-judging the question. It is for us to judge from the facts.

*Judge Advocate.*—I shall be happy to inform the Honourable Member of the grounds upon which the question is put; but it is for the Court to decide, and not me.

*General Whitelocke handed a Paper to the President, which was read, as follows:*

"The difficulty arises out of the hypothesis *if it had* "*been differently conducted.*—By this means a question is "asked as to the opinion of the witness upon the general "conduct."

*The Court cleared.*

*The Court resumed.*

*President.*—The Court are of opinion the question may be put.—*(The question read.)*

A. In my opinion the force was sufficient for the reduction of Buenos Ayres.

*A Member.*—Q. Do you believe any advantage would have accrued if the arms had been loaded?

A. I do not, as far as respects my own column.

*Questions by General Whitelocke.*

Q. Considering all the circumstances, and the number of the attacks, was the situation chosen by myself and Major-General Gower a proper one; or what other situation would you have selected to have remained in during the attacks?

A. The situation was a central one, and, as far as I can judge, a proper one for the Commander of the forces when the attacks commenced.

Q. Should you have thought it either judicious, safe, or proper, to have permitted the men to have advanced with loaded arms; and did you consider yourself as restrained from loading when you arrived at any point or obstruction in which loading would become proper?

A. I should certainly prefer marching through the streets of the town with unloaded arms, for the principal part of the corps. I did not consider myself restricted from loading whenever I thought it necessary.

Q. What number of inhabitants were there at Monte Video?

A. The population of Monte Video was estimated at 20,000, but there certainly never were so many there when I commanded. I should think about 12 or 14,000. The country round it was populous.

Q. If Monte Video had been kept by a garrison, to be supplied with uncertainty and difficulty by the shipping, must not all the inhabitants have been sent away?

A. Undoubtedly.

Q. Would any post, maintained by means which must have exasperated the inhabitants, have been of any present advantage, or have facilitated any future views of this country as to South America; and would it not have had a contrary tendency?

A. It would not have been of any present advantage, and would not have facilitated the views of this country in future towards South America, unless this country was determined to conquer that country by open force.

Q. Had you not stated to Government, before my arrival at Monte Video, your opinion that it would require a force of 15,000 men to conquer and keep the country;

and had your further experience of the disposition of the inhabitants towards us led you to alter that opinion?

A. I stated to Government, that it would require a force of 15,000 troops to conquer and keep that country. I have had no reason since to think that a smaller number would have been efficient.

Q. Had we any probable means of getting back either the prisoners taken from us, or the 71st regiment and other prisoners taken under General Beresford, but by acceding to the terms, and giving up La Plata?

A. I know of no other means of recovering the prisoners taken under General Beresford; and I am very doubtful whether any measures that we could have adopted would have recovered the prisoners taken in the attacks.

*Judge Advocate.*—Q. What were the number of prisoners taken by the brigade under your command at the Plaza de Tauros?

A. About 700.

Q. In answer to a question put to you by Lieutenant-General Whitelocke, whether the situation he took was a proper one, or what other you would have selected for him and Major-General Gower to remain in during the attack, you stated that the situation was a proper one when the attacks commenced. Was it, in your opinion, a proper situation for Lieutenant-General Whitelocke to remain stationary in from day-break to sun-set, during such a day, and under the circumstances within your knowledge?

A. I am not sufficiently acquainted with the disposition of the forces, the nature of the country, or the plans and intentions of the General, decidedly to answer the question.

*A Member.*—I wish to ask, when the prisoners were taken by you at the Plaza de Tauros, what number of artillery was taken, and the calibre of the guns.

A. I took 32 pieces of cannon, most of them field-pieces, and the calibre answering principally to 12 and 6-pounders. Many of them were our own guns that had been taken with General Beresford.

Q. I wish to know in what state they were, whether

he guns were rendered useless, and whether there were any tumbrels or ammunition with them.

A. The guns were all spiked: I was successful in clearing the touch-holes of a few of them, and there was abundance of ammunition.

Q. Were the 700 prisoners that were taken by the brigade under your command, of a description that the Spaniards would probably have been desirous to recover by giving an equal number of British prisoners in exchange for them?

A. They were of their best description of troops; but I am perfectly persuaded the Spaniards would not have exchanged them against an equal number of our men.

Q. Might not the possession of Monte Video and the command by the shipping of the entrance of the river Plata, have led to other views, beside those of conquest, which this country might afterwards have adopted with regard to South America?

A. If by other views are meant views of conciliation, and if by the possession of Monte Video is meant our retaining it after dispossessing the inhabitants, I think not.

Q. Do you know the distance from White's to the Recollata?

A. I do not.

*The witness withdrew.*

*Lieutenant-Colonel Nugent called in again.*

*The third and fourth charges read.*

*Judge Advocate.*—Q. Had you the command of the 38th regiment on the 5th of July last?

A. I had.

Q. Did that regiment form a part of the brigade under Sir Samuel Achmuty's command?

A. It did.

Q. Will you state the operations of that regiment from the period when you marched upon the signal being given on the morning of the 5th, till the taking of the Plaza de Tauros, and your forming a junction with the corps under Sir Samuel Achmuty's command?

A. I marched with the regiment from their cantonments about five o'clock in the morning, and halted at a place pointed out to me by Sir Samuel Achmuty, in a road leading to the church of Recola, with my rear clear of the line to be occupied by the left column of the 87th regiment. On the commencement of the cannonade at half past six, we pushed forwards, and in about twenty minutes arrived in a narrow lane leading to the Plaza de Tauros, at the head of which was a large house occupied by a detachment of the enemy, who kept up a sharp fire on the column as it approached. The door, however, was in a short time forced, and the troops within put to the bayonet. The enemy had a numerous artillery on the outside of the Plaza de Tauros, which we endeavoured to possess ourselves of, but from a destructive fire in all directions we found it impracticable, having lost a number of men in the attempt. I gave it over, expecting to get possession of a large house looking to the river, and situated on the edge of the cliff, and at that time also occupied by the enemy, in order by that means to silence their guns and turn their right flank. Accordingly two companies were detached for that purpose, who having first possessed themselves of the house, afterwards sallied out by a back door, and charged the enemy in the fort and barracks of the Retiro, on the flag-staff of which we hoisted our colours; from whence they retreated, spiking all their guns but one 12-pounder, which we immediately turned on the Plaza de Tauros. The good effect of this was soon observed, as, after every round, numbers were seen to rush out, endeavouring to escape towards the town. On continuing the cannonade for some time, a white handkerchief was shown by the enemy in the building, and at half past nine the remainder of them within, amounting to about 400 men, surrendered at discretion. In the course of half an hour afterwards, Sir Samuel Achmuty, who had joined us during the cannonade, ordered the 87th regiment from their position to relieve a company of the 38th, which I had placed in charge of the prisoners in the Plaza de Tauros, and sent that company to join the regiment which was posted at different places of the Retiro, and at the ends of the streets leading into

the town. During the day, Brigadier-General Lumley, the 5th, and 36th regiments, joined us at our position.

*The witness withdrew.*

*Captain John Charles Conway Cossley called in, and sworn.*

*The third and fourth charges read.*

*Judge Advocate.*—Q. Did you command the left wing of the 87th regiment upon the 5th of July last?

A. No.

Q. Did you accompany that left wing on its march into the town on the 5th of July?

A. No. I was Brigade-Major to General Gower.

*The witness withdrew.*

*Major Henry King called in, and sworn.*

*Judge Advocate.*—I believe you commanded the left wing of the 5th regiment on the 5th of July last.

A. I did.

Q. Did that regiment form a part of the brigade under Sir Samuel Achmuty's command?

A. It did.

Q. State the operations of that wing of the 5th regiment of which you had the command, during the attack of the town, till the period when you rejoined Sir Samuel Achmuty?

A. Having previously received instructions from Sir Samuel Achmuty on the evening of the 4th, the left wing of the 5th regiment was formed opposite the avenue pointed out by him. On the cannonade commencing in the centre, the column advanced. On reaching the entrance into the streets, I ordered the front rank of the leading section to come to the charge. We advanced with a quick pace down the street. The enemy, on our advance, abandoned four pieces of cannon, with which they were apparently retreating from the left. It was ascertained that they had spiked the guns, and shot the horses previous to

leaving them. The column reached the river without opposition. I then looked about to observe what houses were proper to be taken possession of, according to our plan of attack. I retired the column about 50 paces for that purpose: the firing having then commenced, I thought it necessary to load, and then broke open a house, the top of which I took possession of, and on which the regimental colour of the 5th was displayed. I detached parties to take possession of different houses, and a church near. By this time a very galling fire commenced from the Plaza de Tauros, which commanded the house upon which I stood. Between nine and ten o'clock the firing from the Plaza de Tauros ceased. The British colours were hoisted upon it. Having remained till near twelve o'clock, some of the men pointed out a French colour upon a house to the right, expressing a desire to take it. Having received no orders during this period, I left a serjeant and 12 men to guard the prisoners, many of which were brought to me by my detached parties, as well as to protect the wounded. I then advanced to the right. On advancing, I received so heavy a fire, that I thought it necessary to break open a house on the left. Into the court-yard of this house I had the wounded men brought. I then proceeded to attempt the house where the French flag was flying. On advancing, I sustained such loss, that I felt it necessary to retire to the house I had previously broke open.

Adjourned till ten o'clock to-morrow morning.

## TWENTY-FIRST DAY.

THURSDAY, FEBRUARY 25, 1808.

*Lieutenant-Colonel King called in.*

*Evidence read.*

*Judge Advocate.*—Colonel King will be so good as to proceed in his narrative.

*Colonel King.*—I entered the court-yard of the house

detached an officer with the wounded to where I had left the surgeon, and also requested a reinforcement from Colonel Davie. I was joined by a few more men, and at the same time I received a message from Brigadier-General Lumley, stating that I covered his right. The men still expressing a great deal of ardour, I again determined to attack this house: on advancing for that purpose, I found the offensive and defensive means of the enemy so much superior to mine, that, notwithstanding my supposing, from the peculiar circumstance of a French flag flying on this house, that it might be occupied by some officers of importance to the enemy, I was obliged again to retire to the court yard of the house, which I had before broken open. The enemy had two pieces of cannon at the upper end of the street, which however they were prevented from working, by the fire of our musketry. The tops of the houses were covered by the enemy; it was in their power to destroy our men with very little danger to themselves; we could only occasionally fire with any effect, when their heads were seen above the parapet; added to which, the difficulty of breaking open the doors was extremely great. Observing that any attempt to get into the above-mentioned house was totally impracticable, and that the enemy might cut me off by superior numbers if I remained where I was, having previously sent off the wounded, I retired to a street, where I found a detachment of the 36th. Shortly after, Captain Ridge, of the 5th, informed me that a body of the enemy was advancing from the upper end of the street. I formed the men of the 5th, with an intention of advancing to charge them: on approaching them, I observed an officer with a white handkerchief in his hand: I ordered the men to halt, and to remain ready at the charge. My front extended across the street: by this time the enemy were very close; I advanced to the officer, who had also halted his men; from him I understood, that he had surrendered himself and party as prisoners of war. I desired them to lay down their arms, and, for that purpose, seized 2 or 3 of their firelocks near me, and threw them on the ground. Observing that the enemy had accumulated greatly in numbers, menacing my party by flourishing swords and pistols;

just at this moment, one of them having presented at me, one of the 5th started forth, and made a thrust with a bayonet at the officer I was talking to; he started aside, and it did him no harm. Observing they did not lay down their arms, I thought it necessary to demand his sword, which he immediately gave. At the same moment, the officer who carried the colour, informed me that the enemy had attempted to seize it: I immediately ordered the men to charge, and the enemy turned and ran as fast as possible, leaving a few killed behind them. Nothing material occurred after this: we proceeded to break open houses, according to order, and when we were in the act of breaking one open, I received an order from Brigadier-General Lumley, to form a junction with the right wing of the 5th, and retire to the Plaza de Tauros: this order was immediately obeyed, and about 3 o'clock we entered the Plaza de Tauros.

Q. In the course of that day you did not rejoin the right wing of the 5th till after the order you received from Brigadier-General Lumley.

A. No, I did not.

Q. What number of intrenching tools, or other instruments, proper for breaking open houses, had your wing at the time of the attack?

A. I cannot exactly remember; we had some.

Q. Of what nature were those you had; what sort of tools were they?

A. To the best of my recollection, we had some of the regimental pioneers' tools, with a crow bar, and a mattock or two, that were found in the suburbs of Buenos Ayres.

Q. Did you find that crow bar and mattock during the advance?

A. Previous to the attack. The evening previous to the attack, we collected all the tools we possibly could, and Colonel Davie made a division of them between the two wings.

*Lieutenant-Colonel Davie called in again.*

*The third charge read.*

*Judge Advocate.*—Q. Did you command the right

wing of the 5th regiment on the day of the attack upon Buenos Ayres?

A. I did.

Q. State the operations of the wing under your command, from the time of your marching to the attack of the town, till your junction with the force under the command of Sir Samuel Achmuty at the Tauros.

A. The right column, under my command, proceeded at half past six o'clock, on the morning of the 5th, down the streets that had been pointed out the evening before, by Brigadier-General Sir Samuel Achmuty, and it arrived at a quarter past seven at the banks of the river, without meeting with the slightest opposition. I immediately posted the King's colours, with a part of the column, on the tops of the houses in the square, nearest the river, and placed troops at the different angles of the streets intersecting each other. Shortly after, in conjunction with two companies of the left wing, I took possession of the church of Santa Catalina, from the tower of which, about nine o'clock, I observed a white flag hanging out of the Tauros. Captain Brooke, Assistant-Quarter-Master-General, joined me about that time, and informed me of the capture of the Retiro. I proceeded along the strand to receive orders from Sir Samuel Achmuty, who came to the church about 11 o'clock; and, after making his observations from the tower, he gave me orders to retain the position I was in, and, if pressed by the enemy, to retire on him to the Tauros. About one o'clock I received a message from Brigadier-General Lumley, by a serjeant of the 36th regiment, requesting me to advance instantly to his support on the right. I immediately proceeded with three companies, and found, on joining him, that the 36th had received orders to retire. Two companies of the left wing, under Major King, then joined me, and we retired along the strand, in the rear of the 36th regiment, and arrived at the Retiro, I believe, about half-past two.

*Withdrew.*

*Brigadier-General Lumley called in.*
*The third charge read.*

*Judge Advocate.*—Q. Did you lead the right wing of the 36th regiment, which formed part of the brigade under your command, that brigade consisting of the 36th and 38th regiments, on the day of attack?

A. I did.

Q. Will you state the operations of the right wing which you led from the commencement of the attack, till the period at which you formed a junction with the corps under Sir Samuel Achmuty's command, and what came within your knowledge of the operations of the other wings of the brigade which you commanded.

A. About six o'clock on the morning of the 5th July, the two regiments composing my brigade were formed, having left their packs and great-coats in their cantonments, under a guard, according to the orders previously received. The 88th were in two columns, with the head of each on the road down which it was to proceed; and the 36th in one column, in readiness to move in the direction which I intended myself to lead it, until I could ascertain the two nearest parallel roads to those down which the 88th were to march; having given orders to Lieutenant-Colonel Duff and Major Vandeleur, commanding the two above-mentioned columns of the 88th, to move slowly, but not to advance beyond the out-posts, until the signal guns were fired, and then to push rapidly on, and penetrate, if possible to the river; or to post themselves as far in advance as they were able, taking possession of any church, or any large house or houses, which they might afterwards be best able to maintain and defend. Accompanied by Lieutenant-Colonel Stewart, the Deputy-Adjutant-General to Brigadier-General Craufurd's expedition, and Captain Watson, of the artillery, who had served at the capture of Monte Video, but was on the establishment of the Cape, both of whom, being at that time unemployed, had volunteered their services with me on landing, and for whose zealous assistance, together with that of Brigade-Major Roache, I shall ever feel myself highly obliged; I proceeded in an oblique direction with the 36th regiment, until I again came upon a road which appeared to me to lead direct into the town. I soon after

detached the left wing of the 36th, under the command of Captain Cross, to proceed still further to the left, and to move in a parallel direction with the right wing on the first road on which he might be able so to do, and with the same orders which I had previously given to Lieutenant-Colonel Duff and Major Vandeleur. About this time, to the best of my recollection, the signal guns fired, and the day began to dawn. I can now only speak with accuracy of the movements of the right wing of the 36th, under Lieutenant-Colonel Burne, with which the necessity of ascertaining the roads had thus placed me. With this column I then proceeded as fast as the broken up and bad state of the road and the street would permit. Soon after our entering the first street, a partial firing of musketry commenced upon us in various directions, but we succeeded in penetrating to the last cross street adjoining to the river. The pickaxes which had been delivered to the columns, were useless in breaking open the strong massy doors and windows, which I believe were the same throughout the town: but by the united efforts of the soldiery, we at length forced open some few houses, between the two streets parallel and nearest to the river; and one large and high house between the last street and the beach, upon which I directed the colours of the 36th regiment to be planted, as a signal and encouragement to the other columns of the brigade, and also to such other parts of the army as might be enabled to observe it. The cross street, in the rear of my position, was now enfiladed by two guns, from one entrance of the square, the street next adjoining to the beach was in like manner enfiladed by two guns from that part of the square immediately under the fort, as also by three guns from the fort itself. The fire of some of these guns was generally directed with great precision and effect against the large house before-mentioned. A constant and heavy fire of musketry was also poured upon us in every direction, almost without our being able to perceive those who fired upon us, so completely were they hid by the parapets of the houses. We were thus situated for some time; at length six men of the 88th regiment, together with some grenadiers of the 36th, who had advanced and occupied an intermediate house, but had been driven back, making

their way over the tops of some of the houses, reported that almost the whole of the 88th regiment were prisoners, which was soon after confirmed to me by Colonel Ellio, a Spanish officer, with a flag of truce, who assured me that above a thousand of our men were already prisoners, and proposing to me to surrender. This I peremptorily refused. Almost immediately afterwards it was reported to me that two guns were advancing along the beach, for the purpose, as it should seem, of attacking us in front. Having about this period expressed my anxiety to ascertain the situation of Sir Samuel Achmuty, who I supposed to be on my left, Captain Watson offered to endeavour to find him, and to report his situation to me. All opposition to the enemy having now ceased on the part of the 88th regiment, the fire, both of artillery and musketry, was wholly directed against the 36th regiment. An attempt was now made to bring two guns into the very street down which I had marched, and at the end of which I then was. These, although at some distance, would have completely enfiladed my position in the rear, in the same manner the two guns on the beach were intended to do in front. About this period, I had ordered up the left wing of the 36th regiment to my support; and nearly at the same time, Major King, of the 5th, by some chance which he will be best able to explain, appeared with the left wing of that regiment in my rear, at the further end of the street, and at the very point where the enemy had assembled in great numbers, conducting the two guns before mentioned; to these he opposed a most gallant resistance, possessing himself of their guns, for a short time, I believe. Although the necessity of self-defence had obliged us to commence firing long before this period, yet the contest was very unequal from the first, opposed as we were by a numerous artillery as well as musketry, in every direction. I now sent to Lieutenant-Colonel Davie, of the 5th, to recommend his advancing to the support of the left wing of his regiment. Two Spanish officers had again come out to propose a surrender; but as their manner was both rude and uncourteous, I recommended them to retire without delay. Colonel Ellio soon afterwards again came towards me with

authority from Liniers to require an unconditional surrender within a quarter of an hour. I was again equally peremptory in my refusal. At the time of these discussions a total cessation of firing had, to all appearance, taken place in all other parts of the town; from which I concluded that the troops under Brigadier-General Craufurd were either prisoners, or had been obliged to retire. Numbers of the enemy, during those conferences with the Spanish officers, either intoxicated with liquor or their success, or perhaps both, had rushed forward, under the idea of taking prisoners and disarming our men; their temerity proved fatal to many of them; the guns too on the beach had been much advanced, and were covered by about 700 of the enemy. The gallant Lieutenant-Colonel Burne having been informed of this, and stating to me that whatever our future operations might be, these guns would ere long be a most serious annoyance to us, of which I was but too well aware, he, having obtained my permission, pushed on, at the head of some of the grenadiers, as well as some small detachments of the battalion companies, in all not much exceeding 50 men, drove the enemy before him under the walls of the fort, spiked the guns, and sought shelter under a low house and garden hedge from the heavy fire which was then opened upon him from the fort. I had now received intelligence, by a pencilled note from Captain Watson, that Sir Samuel Achmuty was in possession of the Plaza de Tauros, and that he recommended my retiring along the beach, and joining him on the heights of the Retiro. I wrote an answer on the back of the same note: " I am still in possession of my post: " cannot Sir Samuel support me?" This note never again reached its destination. It was now near two o'clock; we had been engaged in this unequal contest for above six hours, our numbers much reduced, men and officers falling fast, forbid in the first instance by our instructions to advance against the fort and square, all the ammunition being expended, and well aware that I must ere long be completely surrounded, and overpowered by numbers, I deemed it most advisable for the good of the service, instead of a longer fruitless resistance, to fall back, and reinforce Sir Samuel Achmuty with the remains

of the 5th and 36th regiments, then with me. I accordingly retired along the beach, still exposed to a heavy fire of grape and round shot from the fort, and, with some additional loss, between two and three o'clock I joined and put myself under the orders of Sir Samuel Achmuty, with the two regiments above-mentioned. The conduct of the troops under my command was above all praise; but I think it but justice to them here to state, that, visible as it must have been to the eye of every common observer, very early in the day, that we had no prospect of success, not a murmur was to be heard, not even an appearance of a wish to retreat; the behaviour of both men and officers evinced that degree of cool determination, steady, patient perseverance, and prompt obedience to orders, which are the real criterions of true bravery and discipline. The remainder of the day was occupied in using every exertion to strengthen the post we then held.

Q. After your separation from the left wing on the morning, how soon did that left wing rejoin?

A. I cannot be exactly certain; but I should conceive about twelve o'clock.

Q. Did Colonel Burne go with you to the Tauros?

A. He followed me some time afterwards.

*A Member.*—Q. At what time of the day did it appear that there was no prospect of success?

A. I should say, decidedly, as early as ten o'clock.

Q. Having with your column reached the river, state what reasons you had for thinking at that time that all chance of success was over.

A. The enemy were greatly superior to us in numbers; that was visible from the first: they were better protected from our fire than we could possibly be from theirs: they were in possession of a numerous artillery, and we had not a single gun with us.

Q. Can you tell the distance, or nearly so, from White's house to the Recollata?

A. It is impossible to speak with any precision, as I never was at the Recollata; but it appeared to me by the eye to be about two miles.

Q. Can you tell the distance from White's house to the

Chuello, and the nature of the country, whether woody, open, or enclosed?

A. From the nearest point of the Chuello I cannot say. From the Chico Pass, where we crossed, I conceive it to be about four miles: the country was much enclosed from the moment we ascended the heights.

Q. Might not the roads leading from the country to Buenos Ayres, between White's house and the Chuello, have been either occupied by the British troops, or broken up, and rendered impassable, so as to prevent any supply of provision being brought, in that direction, into the town?

A. I should conceive they certainly might.

Q. Having stated that the enemy were a great deal superior in number, do you mean that they were a great deal superior in number to your brigade, or to the whole army?

A. I can only speak with respect to my own brigade: I could only form a judgement from the numbers I saw in the streets, and upon the walls of the fort on the side on which I was.

Q. Do you mean to apply that which you have just said, as to the chance of success, also to your own brigade only?

A. Certainly. Separated as I was from the rest of the army, I can only judge with respect to my own brigade.

Q. Of what description were the enemy's troops which were opposed to your brigade; were they regular troops, or the armed population of the town?

A. They were of every description, from the original Spaniard down to the Black: some of them were clothed in uniform, others not.

Q. Were you consulted as to the treaty?

A. On the 8th of the month I was sent for by the Commander of the forces, to be consulted upon certain points connected with the treaty. With respect to the treaty itself, I did not consider myself consulted. It was the 8th or 9th, I will not be certain which of those two days.

Q. What was the state of the troops after the failure on the 5th of July; was it such as might have enabled them

to undertake any further operations against the town of Buenos Ayres?

A. The troops were then certainly badly clothed; they were without either their blankets or great-coats. Though covered over head, they were still exposed to the night air, which was more than usually severe. My brigade had also now been four days almost entirely without meat, and had received but a very small portion of biscuit previous to and during that period; but undoubtedly a good meal or two, which we had then a prospect of obtaining, would have rendered them equal to any duties where long marches were not likely to take place.

Q. Do you conceive they were equal to further operations against the town, or not?

A. Yes, I conceive they were. I do not mean to say that that night they were equal to further exertions, but subsequent to the 5th I conceive they were.

Q. Do you conceive that the force sent against Buenos Ayres was sufficient for the reduction of it?

A. I certainly do conceive it to have been fully sufficient.

*Withdrew.*

*Lieutenant-Colonel Robert Burne sworn.*

*The third article of charge read.*

*Judge Advocate.*—Q. Did you accompany the right wing of the 36th regiment on the morning of the attack?

A. I did.

Q. That wing was under your command.

A. It was.

Q. State what passed from the time you were detached from Brigadier-General Lumley till the time you rejoined the brigade at the Plaza?

A. It was not detached; I was with General Lumley most of the time.

Q. The Court wish to know what passed during the time you were absent.

A. At the time I was absent I went to take possession of two guns which the enemy had brought out of the citadel.

Q. The Court wish you to state distinctly what passed at the time of taking those two guns?

A. I ordered, in the first instance, a party to charge those two guns, having reported to Brigadier-General Lumley that they must be taken. This party not proceeding immediately, was owing to the Captain of grenadiers and one of his subalterns being wounded by a discharge from one of those guns. I do not recollect whether it was by General Lumley's order, or not, but I took a small party from the troops under General Lumley, and went and took those two guns, the largest of which I spiked myself. This was close under the citadel. The enemy, immediately after this, when their own people were out of the way, and whom I drove into the citadel, began a very heavy fire of grape and musketry upon us. Upon this I took my men close under where the guns were taken, at the back of some houses, where they could not reach us from the citadel. After staying some time in that position, I was ordered to bring off my party, and follow the 36th, which we could see from the position I was in going along the beach. I then joined Sir Samuel Achmuty's division, in the Plaza de Tauros, agreeable to orders. I believe that is all that happened after I was detached from General Lumley.

Q. State how the 36th were victualled on the 4th of July.

A. On the 4th we had a great deal of skirmishing in the suburbs of Buenos Ayres, and were not relieved till between eleven and twelve at night. We did not get to our quarters till between eleven and twelve, where we had slept the night before. The meat was ready for the men in the quarters; but, from having to light their fires, and to cook it, it was reported to me that it was near two o'clock in the morning before the men had any thing to eat, after which the usual quantity of wine was served to them.

Q. How were they provisioned upon the 5th?

A. To the best of my recollection, after we joined Sir Samuel Achmuty's division we got meat in the afternoon. There were bullocks in the Plaza de Tauros, which were taken out and killed. I am sure they got meat there;

and the officers were served at the same time on the evening of the 5th.

Q. State the casualties of the 36th regiment upon the 5th of July.

A. From the returns which we could collect on the 5th, I think it was two officers and only 24 men killed; the wounded I do not recollect. This was only what we could collect from report after the business of the 5th; but afterwards I found out there were a great many more, that it was two Captains and 60 men killed and died of their wounds, and a subaltern. Three officers were killed; one died of his wounds four days afterwards.

Q. What do you think was the number of the enemy protecting the two guns you charged; and what was the strength of the detachment of the 36th with which you attacked them?

A. I cannot speak positively, but there might be two or three hundred, perhaps 300, of the enemy; it is impossible I can speak accurately. My party, I suppose, might have been about 50: I do not think I could have had more.

*Withdrew.*

*Lieutenant-Colonel Alexander Duff called in, and sworn.*

*The third article of charge read.*

*Judge Advocate.*—Q. Did you command the right wing of the 88th in the morning of the attack?

A. I did.

Q. State the operations of that wing during that day.

A. I shall commence from the period of our getting under arms for the assault, and state the operations of that wing during the whole of the day. I think it necessary to state to the Court, that in getting under arms I considered my force so weak, that I thought I should not be able to complete the object I was ordered to attain; I therefore sent to head-quarters, and requested to have two of the companies out of the three that were there, in order to strengthen me. To my utter astonishment those two companies joined me, without flints, just as I was moving

off. I interrogated Major Ironmonger, who accompanied these companies, and directed him to give me some reason for their appearing without flints. He intimated to me that General Gower had directed him to take the flints out. I immediately ordered Major Ironmonger to get flints from the other companies, if they could spare them; but I am sorry to say the whole of them did not get flints. Major Vandeleur, who commanded the left wing of the regiment, reported to me that two men actually fell in the streets, after they advanced to the attack, in the act of putting in their flints. Perhaps it may be necessary to say, that I had so bad an opinion of the attack in my own mind, that I left the colours at head-quarters, fearing they might be taken. According to the spirit of the order which I received, I divided my battalion into two wings, each wing consisting of about 225 rank and file; I think that was about the number. I directed Major Vandeleur to lead his wing to the spot that Brigadier-General Lumley ordered me to do, and to penetrate as near to the principal defences of the enemy as he possibly could. After giving Major Vandeleur these orders, I led my own wing to a church that I was ordered to take possession of by General Lumley. I met with no opposition or firing till I entered the gateway. Immediately on getting into this gateway the enemy commenced a tremendous fire of musketry from the opposite houses. Having lost nearly 30 men in this gateway, and finding it impracticable to break the church doors open with the implements that were given me, I deemed it prudent to leave the situation, and penetrate the city further, in hopes of gaining a more advantageous position. On leaving the gateway of the church we were assailed by a continued fire. After leaving the gateway, I penetrated the city until I conceived that I was near the citadel. Finding that I lost so many men in the streets; four grenadier officers being wounded by me, the Major, the Adjutant, the Assistant Surgeon, killed, and having lost in killed and wounded, out of my small column, from 80 to 100 rank and file, I defiled to my left, and took possession of three houses. I formed my men on the tops of two of these houses, agreeable to the spirit of the order which I had received. After having

maintained this position about four hours, finding that I lost a considerable number of men upon the tops of the houses, two of my officers being wounded, the enemy forcing me in all directions, and hearing no fire on my left, I naturally concluded that the left must have retreated, as I received no support. After assembling the officers, and taking their opinions on the subject, I deemed it prudent to accept the enemy's terms to surrender, on the proviso that they treated my men and officers as they ought to do. On being marched prisoners to the citadel, I rejoiced to find that I had saved the men's lives, as I found I was surrounded on all sides by at least from 3 to 4000 armed people. On entering the citadel, I found that Major Vandeleur had been compelled to surrender about half an hour before me. As far as my recollection carries me, out of this small detachment, for I can hardly call it a regiment, I lost about 220 killed and wounded, and 17 officers. As far as my recollection goes, I have stated all the operations of my wing: I may have left out something, but certainly nothing of consequence.

Q. At what hour, according to your recollection, did you surrender?

A. About ten minutes before twelve; but, if I say a quarter, it will be more correct.

Q. From the period of your marching to the attack till the time of your surrender, did you, or did you not, receive any orders from, or have any communication with, Lieutenant-General Whitelocke?

A. I did not; and, in my own mind, it would have been hardly possible for any officer to have communicated with me; the fire being so tremendous, I think he might have fell in approaching me. I may be wrong, but it seems to me to have been impossible.

Q. The fire was behind you, as well as in front.

A. As well as in front. I left the fire behind me. I think any officer approaching me would have been shot before he reached me; I really think so.

Q. If you had had the means of reporting your situation to Lieutenant-General Whitelocke, previous to your surrender, should you have known, from any orders you had received, where he was to be found during that day?

A. No; but I would have sent to the Miserere to General Whitelocke, according to my own ideas.

Q. What is your reason?

A. I will give this reason, because I had a company left at head-quarters.

*Lieutenant-General Whitelocke.*—Q. Should you not have reported, as a matter of course, to head-quarters, if you could not have communicated with your Brigadier?

A. Certainly I should have done so.

*A Member.*—Q. What had been done with the flints which had been taken out of the arms at head-quarters; were they not put by in the pouches, or had they no spare flints?

A. I really cannot say what they did with the flints that were taken out of the arms. If they had obeyed my orders, they ought to have had spare flints.

Q. Had they lost them?

A. I cannot say.

Q. Can you state when the flints were taken out, and whether you know that Lieutenant-General Whitelocke had any knowledge of it?

A. Major Ironmonger stated to me, that when the companies were about to march from head-quarters, or on their way from head-quarters, that General Gower had directed him to take out the flints of the two companies under his command; but I really cannot say whether it was done by the direction of General Whitelocke. If I must give my opinion, I rather think not. I really cannot say that they were taken out by the orders of General Whitelocke.

Q. Was it on the morning of the attack?

A. It was on the morning of the assault.

Q. You have said that you would have reported of course to head-quarters had you not been able to report to your own Brigadier; do you then suppose that when an army advances to action the post of the commanding General is in the rear of his head-quarters?

A. I will give my opinion, as far as I can.

*A Member.*—He has said that he would have reported to General Whitelocke at the Miserere, if he could not

have had communication with his Brigadier: that is a fact; we now want his reason.

A. I have given the reason; because I had one company posted there.

Q. From that you concluded it was the original head quarters.

A. Yes.

*A Member.*—The reason that he would have reported to the head-quarters was, because he had left a company posted there.

*Withdrew.*

*Major Richard Vandeleur called in, and sworn.*

*The third article of the charge read.*

*Judge Advocate.*—Q. Did you command the left wing of the 88th regiment on the day of attack upon Buenos Ayres?

A. I did.

Q. State the operations of that wing, from the period of your separation from the right wing, till the time you were compelled to surrender.

A. About five o'clock in the morning, Colonel Duff desired me to move with three companies, which was near one half of the regiment, which was then present at General Lumley's house, which was about 100 yards to the left of the regiment, and to report to him my arrival, and, the remainder of the regiment being under arms, which order I executed; shortly after another company joined me. General Lumley, in about half an hour after, desired me to move to the front as far as the advanced piquets, and there wait till the signal guns fired. I asked General Lumley if he had any particular orders to give: he asked me if I had read the detail that was already given, which was, that I was to penetrate through the street to the water's edge, or as far as I could, and there lodge myself to the best advantage; but I was to be particular that I did not allow any firing. I particularly requested him to give me some information relative to the

mode of defence of the enemy, or what opposition I was liable to meet: he replied, that he knew no more than I did; but that it was particularly necessary I should, if possible, gain the bottom of the street.

Adjourned.

## TWENTY-SECOND DAY.

FRIDAY, FEBRUARY 26, 1808.

*Judge Advocate.*—Read a letter received by Sir William Medows from General Cuyler, stating, that he had been indisposed for a fortnight past, and was now so ill as to be unable to attend.

*Brigadier-General Lumley called in again.*

*Judge Advocate.*—I have been informed by Brigadier-General Lumley, that there is one circumstance in the evidence he gave yesterday which is not quite correct; he wishes now to correct it.

*The evidence of Brigadier-General Lumley read.*

*Brigadier-General Lumley.*—In that evidence I committed an error, which, at the time, I certainly was not aware of; and it is by no means my wish to make the situation of that brigade appear more distressing than it really was. In answer to a question put to me, I stated that my brigade had been almost four days without meat. As far as relates to the 88th regiment, I believe my statement to have been perfectly correct. I know also that, so late as eight or nine o'clock on the night of the 4th, the 36th regiment had had no meat that day, any more than the two preceding days, having been detained at the outposts, and on other duties, for some time after the 36th had been sent from thence to their cantonments. I was

not aware, which I believe now to be the case, that that regiment had cooked some provisions during the night. On my arrival at the Retiro, I no longer had any particular brigade, and I was specially directed by Sir Samuel Achmuty to take the superintendence and the direction of the out-posts, assisted by the field-officer of the day, a duty of the most serious importance, and which required the utmost vigilance. Sir Samuel himself gave directions about provisioning the troops as far as that was possible.

*A Member.*—I submit that this has nothing to do with the question: it was a question with respect to the general state of the army, and not with regard to provisioning the army.

*The witness withdrew.*

*Major Vandeleur called in.*

*Judge Advocate.*—The Court will thank you to proceed with your narrative.

A. On the arrival of the column at the advanced piquet, I divided it into sections of seven files in the front, being the utmost space they could occupy. After explaining the orders I had received to the officers and men, I directed Captain Chisholme to take command of the rear section, to act according to circumstances in the streets; and about half past six o'clock, one of our dragoons came up to me with orders from General Lumley to immediately move down that street, directly in my front: I accordingly ordered the column to advance into the town. After I had got a little way down the street, two of the enemy's videttes appeared in the front, and as I advanced they retreated down the street, occasionally looking up, as if speaking to people on the tops of the houses. On my arrival about one third, I cannot say exactly, the distance down the street, a fire opened on me from the tops and windows of the houses on each side directly over me. I immediately ordered the column to advance in double quick time, which was immediately executed, and answered by our men by cheering: as we advanced through the streets we were continually assailed from the houses on both sides of the street, with muskets, hand-grenades,

stink-pots, brick-bats, and all sorts of combustibles. When we arrived at the last square of houses in that street, there was a breast-work thrown up directly across the front, made of bags of hides filled with earth: on our ascending this breast-work on the opposite side, we descended into a ditch of about six feet deep and twelve wide, likewise cut across the street: I hurried the men out of it as fast as I could, the four corner houses being occupied by the enemy and flanked with cannon from the grand square. On my getting out of the ditch, I found that the street terminated in a descent to a wall, and a small slope leading down to the flat of the river, and in front of the western face of the citadel, from which the enemy commenced a firing. With the assistance of some men with the butt-ends of their firelocks, we with difficulty forced a large door on the right bottom corner house, and on its being opened, we entered into a small square, in which there were four small habitations, consisting of one room each. I directed the house on the opposite side also to be broke open. Being excessively galled with the fire, I directed the men to shelter themselves as well as they could, and, as an inducement, held out that they would soon be supported. I endeavoured to get men on the top of the roof of the first house which we occupied on the right of the street; but it being of loose tiles and sloping, with a parapet wall built round the top of it, I found it perfectly impossible, as the other side of the parapet was occupied by the enemy, and that every man who attempted was instantly knocked down. Some of our men occupied the opposite house on the left of the street going down: it being higher than that which I occupied, was exposed to the fire of the citadel, which soon obliged them to leave the top of it. They brought a field piece down to the ditch from the grand square, which was fired at that house; and some of our men, who lay concealed in the ditch, firing at them, they immediately abandoned it, but soon returned and loaded and fired again, our men returning the fire. The enemy again retreated, and I was informed by Captain Chisholme, who was in the ditch, that they left three killed. The houses which I occupied on the right of the street, the back of two of them being

entirely knocked down by the enemy, I was obliged to move all the wounded and other men into one place. After maintaining this position till about a quarter after eleven o'clock, I consulted with the officers what could be done, as there was no appearance of any of our own forces, nor could we hear any firing but what was directed to ourselves. Having so few men left, and a retreat appearing entirely impossible, or even if it was, so many officers and men which laid about wounded, it would be a breach of humanity; we therefore agreed to enter into a parley with the enemy, on which I directed a white handkerchief to be held up. Immediately a Spanish officer jumped up from behind the wall at the top of the house, and being interpreted by Captain Carrol, that we were willing to surrender on terms; he immediately asked what terms; on which I replied, we only required quarter and care of the wounded. He immediately put his hand to his breast, and replied that they were Spaniards, and always treated their prisoners with humanity; on which terms I agreed, and resigned my sword; when the Spanish officer gave a shout, and an immense number of the enemy immediately jumped upon the top of the house over the wall, who lay concealed, and received the arms of the men; after which they conducted the officers into the citadel, and the men to the separate prisons.

*The witness withdrew.*

*Brigadier-General Craufurd called in.*

*Judge Advocate.*—Will you continue your narrative from the period at which it was broken off; namely, at the close of the 4th of July, till the signature of the treaty.

A. In the written disposition which I received for the attack of the town, it was directed that my brigade should enter it on our right of the centre, in two columns, the left column to consist of five companies of the light battalion, and four of the 95th, making about 600 rank and file, and the right column of four of the light battalion and four of the 95th, making about 540 rank and file, the left column to receive its orders from Lieutenant-Colonel Pack,

and the right from myself. We were directed to penetrate, if possible, quite down to the river, and there to occupy any of the high buildings, as near as possible to the market-place. The brigade being formed early in the morning on the two roads which had been pointed out for the columns to enter upon, I began to advance with that under my orders as soon as the signal guns were fired in the centre. The enemy, as it had been reported at head-quarters on the 4th, had concentred their principal force in a position forming a square, having within it the market-place, and the fort in the middle of its eastern face; and as we entered the town on our right of this position, the left column of my brigade under Lieutenant-Colonel Pack, was of course the nearest to the south face of the enemy's position, and came first into action. I with the right column passed quite through the town, and arrived with the head of it on the beach, without meeting with any obstacle or seeing any thing but small straggling parties of the enemy. When I arrived on the beach I saw the south-east bastion of the fort at the distance of about 450 yards from me, as nearly as I can judge; and being of opinion that by remaining where I then was, I should not have fulfilled the object of the disposition, I determined to advance upon the fort. I knew that the 45th regiment was directed by the written disposition to enter the town by the two streets immediately on my right: the regiment was not placed under my orders, the disposition did not state that it was to go to the Residentia, nor had I been informed that Colonel Guard had received any verbal order to that effect. I supposed, therefore, that the 45th was at that time close upon my right; and at the time I determined to advance along the beach towards the fort, I sent my Brigade-Major Campbell to order Lieutenant-Colonel Guard to advance in the same direction with the 45th regiment, by the street that is nearest and parallel to the beach. I had not gone far before I met Lieutenant-Colonel Pack, who had already made a very vigorous, but unsuccessful attempt to penetrate through the enemy's principal position. From what Colonel Pack had seen, and his general knowledge of the town, he was induced to urge me to go to the Residentia, which is on the extreme skirt on the south side of

the town. This was between seven and eight o'clock in the morning; and although I had the greatest possible confidence in Colonel Pack's qualities as an officer, yet I did not think that I should have been justified in retreating at this early hour to the Residentia, which I certainly at that time might have effected without any loss or difficulty whatsoever: this conversation passed close to the convent of St. Domingo. I asked Colonel Pack whether this was not the convent of St. Domingo; and upon his informing me it was, I told him that that was one of the posts I had always considered it to be intended for me to occupy, that I should therefore take possession of it in the mean time, in the hope that the success of some other attack might enable me to advance still further; and in my opinion of the propriety of so doing I was confirmed by that of the truly brave Major Trotter; and I little thought when I thus to the best of my judgement obeyed the orders I received, that I should have been abandoned without an effort of any sort being made to communicate with me. I had been directed to take certain posts, and there to wait for further orders; and this was one of those posts. At this time I was joined by Lieutenant-Colonel Guard with the grenadier company of the 45th regiment. Almost immediately after we had taken possession of this building, which was very close to the enemy's main position, a considerable fire was directed from the surrounding houses, against all those parts of it from which we could annoy the enemy; and the roof of it not being flat, it consequently was not so advantageous as the buildings of the town in general are. Until near 12 o'clock I had no reason to suppose that any considerable disaster had befallen any part of our army; and when, about this time, a Spanish officer with a flag of truce approached the convent, I flattered myself that the other columns having established themselves as near to the enemy's position as I had done, General Liniers was disposed to capitulate, and that it was for the purpose of communicating some such intention to the Commander in Chief, that he had sent this officer to me. When he came into the court of the convent, he informed me that the 88th regiment and some other corps which he did not name, was taken prisoners, that all our

attacks had failed, and that he was charged by General Liniers to summon me to surrender; which I peremptorily rejected, and the officer went away without any further conversation passing. The circumstance that I have just related, as well as that of my having been at this time upwards of four hours at this post without any one coming near me, made me think that it was a situation in which it was not advisable to remain; and I determined to take the first favourable opportunity of extricating myself from it; conceiving that the best opportunity would be that when the enemy should approach in considerable numbers in the streets, as we by mixing with them might in that case render less effectual the fire from the surrounding houses, which by this time were all completely occupied. Between 12 and 1 o'clock, a considerable column came into the street on the west side of the convent, apparently with an intention of taking a three-pounder which was in the street, and which, from the narrowness of the entrance, we had not been able to bring in. I immediately ordered all the rifle corps to come down from the different situations in which they were placed on the upper parts of the building, and likewise took down the colours of the 71st regiment, which having found in the church on our entrance, we had displayed on the top of it; and whilst I was preparing for evacuating the post, the enemy being on the point of seizing the gun, were attacked with very great bravery by the grenadier company of the 45th regiment under Lieutenant-Colonel Guard, and a small party of light infantry with Major Trotter at their head. The enemy in the street gave way, but the fire from the houses close to the convent was such, that about 40 men of the 45th, who led the attack, were killed or wounded in the space of two or three minutes; Major Trotter was also killed; and seeing that it was impossible for them to do any thing, I ordered the remainder to return into the convent, and ordered the riflemen to resume their posts, which they accordingly did: we continued to defend till about half after three o'clock. After the attempt to evacuate it which I have first described, I was fully convinced that we were unable to extricate ourselves by our own exertion, and, as not long after this it appeared that the firing had ceased in all other

parts, and none of our own troops came near us, I concluded, of course, that the attack had generally failed. About half after three o'clock, I assembled Lieutenant-Colonel Pack, Lieutenant-Colonel Guard, and Major M'Leod, who commanded the detachment of the rifle corps: I told them, that in my opinion a retreat was utterly impossible; that it was completely in the enemy's power to annihilate the remainder of the brigade, we being then with about 600 men in the very heart of the town; out of which it was clear to me that all the rest of the army had been obliged to retreat. In these circumstances, having waited eight hours, in a post which I had been ordered to occupy, in expectation of those orders which I had been taught to expect I should receive, I did not think that the sacrifice of those who remained was necessary, either for the honour of his Majesty's arms, or could be of any advantage; but I added that, although I should feel myself justified in acting upon my own opinion only, yet I should do nothing with a view to putting an end to the action, unless I had the entire concurrence and sanction of those field officers whom I have named; they being the only ones in the convent who acted as such: there was a Brevet-Major, whom I did not consult. After mature deliberation, Lieutenant-Colonel Pack and Lieutenant-Colonel Guard did, positively and unequivocally, give it as their opinion, in concurrence with mine, that our situation was such as fully justified me, and made it advisable, that I should hold out a flag of truce, for the purpose of putting an end to the action, upon the best terms I could obtain. Lieutenant-Colonel Holland, who was on the staff of the army, and was present at this conversation, was not consulted by me. If it is necessary to state the reason particularly, it was because he is my brother-in-law. Major M'Leod, of the 95th, when I first asked his opinion, appeared to hesitate, from which I thought he was possibly of opinion, that we could extricate ourselves. I suppose the Court will consider it essential to establish the necessity of the surrender, and to inquire whether the field officers were unanimous. I trust, therefore, the Court will call Major M'Leod, as I have heard something said upon the sub-

ject; and if it is not entered into fully here, it will be in another place.

*The Court desired Brigadier-General Craufurd to proceed.*

I then said, Major M'Leod, if you think that we can get out of this place, although I do not think so, I will at this moment place myself with you at the head of the column, and we will be the first to lead it out. Major M'Leod did not accept this proposition, which was repeatedly made to him, nor did he give the slightest hint that he thought we could, but did concur in opinion with the other field officers. A flag of truce was, in consequence, held out; but as the enemy, in the course of the day, had several times approached with flags of truce, merely for the purpose of enticing us out, and then fired upon us; our people, naturally, after this, fired upon their flags of truce, so that it was a considerable time after we displayed it, for the purpose I mentioned, before they took any notice of it. At length, an officer came, with whom I had a conversation, in the presence of Lieutenant-Colonel Pack, and I believe Lieutenant-Colonel Guard; and finding that no other terms could be obtained, I thought it my duty to surrender the remainder of my brigade as prisoners of war.

It may be essential to state more particularly the numbers of my brigade. The number which surrendered, I believe to have been about 600 rank and file. Every division on entering the town consisted of about 540; Lieutenant-Colonel Guard brought with him somewhere about 100; and the number of Colonel Pack's division which joined me, was, I think, about 70, from the best information I could get from the Brigade-Major. The number killed and wounded, I cannot exactly state; but, of the latter, I believe we left nearly 100 on the floor of the convent, being so severely wounded as to be unable to come out. To save time, I will merely ask the Court, whether they think it necessary I should state a conversation which I had with General Liniers, after I came into his house, upon the subject of the convention?

*Judge Advocate.*—If it was communicated to Lieutenant-General Whitelocke previous to the treaty, then Brigadier-General Craufurd may state it; but if he has no means of knowing that it reached the ears of Lieutenant-General Whitelocke, it is no evidence applicable to these charges.

*Brigadier-General Craufurd.*—I do not know that it did. Liniers told me what he was going to propose. I told him, I thought it would not be accepted. I do not know that General Whitelocke knew of it. There is another thing which may be thought fit to be inquired into, in order to prove that nothing which was said to General Gower, before entering into the treaty, with respect to the situation of the prisoners, by me at least, could possibly be the motive of its being entered into.

*Judge Advocate.*—I think that which passed between Brigadier-General Craufurd and Major-General Gower, is evidence, under these circumstances. It passed in consequence of Major-General Gower going into the town with a flag of truce, to negociate a treaty, under the express order of Lieutenant-General Whitelocke: he was, therefore, acting for Lieutenant-General Whitelocke, and it is impossible not to be convinced, that whatever conversation passed between Brigadier-General Craufurd and Major-General Gower, must have been reported to Lieutenant-General Whitelocke upon the subject of that treaty: but if the Court has any doubt upon it, it will be easy to call Major-General Gower, to say, whether it was communicated to Lieutenant-General Whitelocke or not. But it appears that he was the express agent of General Whitelocke; therefore, I take it, any conversation between Brigadier-General Craufurd and Major-General Gower, is admissible on that ground.

*Brigadier-General Craufurd.*—After we surrendered, we were taken into the fort. On the afternoon of the 6th, Major-General Gower came into General Liniers' house, where I then was: he came into the room where we were dining with General Liniers, and in which I had no opportunity of saying a word, but what was heard by all those at the table; nor did I there say any thing to

him of the smallest consequence. He afterwards went with General Liniers to his own apartment, and before they entered upon business, I thought it my duty to take the Major-General aside, to tell him privately that from what I had observed, I was quite convinced that, if the army attacked again in the same way they had done on the 5th, they would be completely defeated. Not another word passed between us until some hours after this, when Major-General Gower sent for me to come to him into Liniers' room; and when I came there, a paper, which certainly contained the articles of convention, was lying upon the table, and persons were employed in copying it. I state this, to show that this was done before a single word was said about the prisoners. There was something said afterwards, which I am about to state. The Major-General told me, that General Liniers was receiving frequent reports of great cruelties committed by our soldiers, which kept their people in a state of great irritation, and which might produce serious consequences to the prisoners in their power. To which I replied, that I believed, and I now believe, that so long as that irritation was kept up by such reports, there was reason to apprehend that the prisoners were not safe. There is nothing further of any consequence. The Major-General ordered me to go with Major Ellio, with a written order upon this subject. I said that my situation made it not proper for me to go; but if he desired it, I would. I did so, and as we went along, there was a conversation, in which one of the people proposed to put me to death. I believe I stated before, that as long as the irritation was kept up, there was danger of the prisoners being put to death. And then Major-General Gower wrote an order upon the subject, and asked me if I would accompany the Spanish General Ellio to the Residentia, in order to deliver the order to the officer commanding there; which I did. I do not know whether it is necessary to mention any of the circumstances which induced me to believe, that that danger did exist; there was one particularly, which was, that while we were at dinner, at Liniers' table, there came a great mob to the house, and wanted to take Colonel Pack to massacre

him; and while I was going to the Residentia, I knew Spanish enough to understand what they said,—we were crossing a ditch, and the people said, "That is a flag of "truce; the laws of war are equal:" and a soldier took up a firelock, and presented it at me. I believe that the people were in such a state of irritation, that they would have fired into the house if our officers had shown themselves. Several circumstances induced me to believe, and I do now in my conscience believe, that that danger did exist.

*A Member.*—That must be taken down.

*Judge Advocate.*—I shall not object to any part of the evidence which has been given; but I think it necessary to state, that I consider all that has now been said as irrelevant to these charges, and that General Whitelocke cannot defend himself upon the ground of that danger. I shall not, however, object to any evidence which the Court may think proper to receive; but, having a decided opinion upon this point, it is impossible for me to give any, whether it shall be directed to be taken down upon the minutes, having, as I before stated, an opinion that it is irrelevant. I have no difficulty in saying, that if they think this danger, if it should be made out, is a defence to General Whitelocke for entering into the treaty, then the facts stated by Brigadier-General Craufurd are important, and then ought to be taken down.

*A Member.*—It may not have that effect; but should it not be taken down, that he was of opinion that it would have that effect.

*The last part of the evidence read.*

*Brigadier-General Craufurd.*—I beg leave to add, that I am convinced that the Spanish officers had sufficient command over their troops to prevent the slightest risk of that happening, if the cause had been removed, and the men removed a mile and a half from the town.

*Here General Whitelocke delivered in a paper, stating that the danger would form part of defence, and requesting that the evidence might remain upon the minutes.*

*Judge Advocate.*—I have only to say, I shall not object to the evidence remaining upon the minutes; but I am bound to make this protest against admitting it, lest it should seem as if I considered it relevant, which I do not.

*A Member.*—I see no reason to erase any thing that is down; nor do I see any reason to add to it.

*Brigadier-General Craufurd.*—I wish it to be understood, that my opinion is, that no danger would have existed in the slightest degree, if the cause had been removed.

*Here the evidence of Brigadier-General Craufurd was read.*

*Brigadier-General Craufurd.*—I beg to explain, as the written disposition will be laid before the Court, that the particular division of my brigade is detailed in it, and that I received another; which of course cancelled the first, where they differed, and the part respecting the high buildings was likewise contained in the first order I received. I am quite sure that the Court will not think there is any thing disrespectful in my observation respecting Colonel Pack, for there is no officer in the army that I esteem more highly, though it may appear otherwise, because I did not take his advice. With regard to the gun not being taken into the convent, the Court will infer from what I said, that it has a narrow door; that which we entered at was, not admitting more than two men abreast: but the other side of the whole building consisted of a number of doors for their ceremonies, but which we could not think of opening. I have no doubt the other officers will agree with me, that the only consequence of leading the column out of the convent would have been, that the first 40 or 50 men would have been killed, and the remainder would have surrendered. In another part of my evidence, I have stated, that after the attempt which we

made to evacuate the convent, the firing had ceased. As a proof that it had, I hope I may be allowed to state, that I saw a report made at the time by General Lumley, in which he states that he joined Sir Samuel Achmuty at the Tauros about two o'clock. This report being written the day after, it is natural that he should remember hours and dates better then than now. I do not know what he has stated, but this being an official report, if the Court has any doubt about whether the firing had ceased, they can refer to it. So that about two o'clock every man who had entered the town was taken prisoner, or obliged to evacuate it. I called together the commanding officers of corps to consult them. Colonel Holland I did not consult; and there was a Brevet-Major whom I did not consult, because he was only a Captain. The Adjutant-General suggests that which I think proper to state, which is, that what I said relative to Colonel Holland, may remain upon the minutes; he being my brother-in-law, I out of delicacy did not choose to ask him for an opinion, which I might hereafter have occasion to make use of in my own justification. I wish to state again that I consulted only the commanding officers of corps.

*Judge Advocate.*—You stated that you reached the beach on the morning of the 5th, without meeting with any obstacle; do you think that the co-operation of the navy, at that time, would have been of considerable avail in securing the success of the attack?

A. That must have depended upon the depth of water. What I mean to say is, I do not know whether the ships could have approached near enough.

Q. Whether, if they could have approached near enough, they would have been of considerable use.

A. Undoubtedly: if the ships of war could have approached near enough to fire with effect, their co-operation undoubtedly would have been of very great use.

Q. I do not confine myself to ships of war only, but to any gun-boats or gun-brigs.

A. If the gun-brigs, or any considerable number of gun-boats, could have approached near enough to have fired with effect, their co-operation undoubtedly would have been very useful.

Q. Did any gun-boats approach the town after you were taken prisoner; and, if they did, what effect had their fire on the town?

A. Two or three gun-boats did fire upon the town on the morning of the 6th; some of the shot struck Liniers' house in which I was; but, of course, the firing of so small a number could not be sufficiently considerable to produce any material effect.

Q. Was the co-operation of the fleet ever required, or did it enter at all into the plan of attack?

A. I do not know whether it was required; it certainly did not enter into any plan that was ever communicated to me.

Q. Should you have adopted the measures you did, had you known that the Residentia was the specific object of the attack of the 45th regiment?

A. I should have thought it my duty to occupy the post which I did occupy; but, as in advancing through the town it was clear that the Residentia had no connexion whatever with the enemy's position, I should have taken upon myself to prevent the 45th going there, if I had known they were about doing so.

Q. Had you any guns, beside the 3-pounder which you have mentioned, attached to your column?

A. Attached to my column, none; but there was another 3-pounder attached to Lieutenant-Colonel Pack's column.

Q. That was the only gun.

A. Yes.

Q. Would not the operations of the troops under your command have been materially aided by artillery?

A. I do not think that field-pieces taken into the middle of the town, in the manner in which we advanced into it, would have occasioned any great difference in the result of our attack. I mean to state, that I am of opinion that cannon's aid in a different way would have been useful. I only mean that going into the town in little columns in that way, it would not have made much difference. Those which we had were of no use to us, because there was such a firing that the men could not stand by them: the men and horses of one were all killed.

Q. From what you saw of the strength and means of the enemy upon the 5th, are you of opinion that the necessity of your surrender would have been prevented, had you received support from the reserve under the immediate command of Lieutenant-General Whitelocke, or from the force under Colonel Mahon, which, from your knowledge of the strength of those corps, either of them was able to have given you had it been so applied?

A. The central reserve consisted, I understand, of above 1000 rank and file; if a part of this reserve had marched round the town to the Residentia, as from what I saw I am convinced they might have done without any difficulty, and had they advanced from thence with the 45th regiment, which appeared to us not to be at all engaged, I have not the smallest doubt that they would have extricated us from the situation in which we were. I say, appeared to us, because we could see the Residentia from the top of the building.

Q. My question applies likewise to the corps under Colonel Mahon.

A. If Colonel Mahon's corps had been in addition to the reserve, it would have been stronger. I do not know where Colonel Mahon's corps was; but if it was near enough to be employed for this purpose, of course it would have rendered the operation still more easy.

Q. At what hour in the day did the advantages obtained by the enemy appear to you so decisive as to prevent the possibility of your being supported, or extricated from the situation in which you were, by any co-operation with such parts of the British force as had not been engaged in the action?

*A Member.*—Is not that begging the question?

*Judge Advocate.*—I infer that at the time he surrendered he thought all possibility of receiving support, or being relieved, was over.

*A Member.*—He has stated that having waited eight hours, and hearing nothing, and receiving no orders, he felt he could not extricate himself, and therefore he found himself, as well as the officers under him, compelled to surrender. He has never stated that at any period it was impossible to extricate him; on the contrary, his answer

to the last question stated that in his opinion he could have been extricated. In giving his reasons for surrendering, he stated fully he did not surrender because he was in a situation in which he could not be relieved, but in a situation from which he did not see any probability of being extricated.

*Judge Advocate.*—All I want to ascertain is, what Brigadier-General Craufurd means by that part of his narrative; if he means what the Honourable Member supposes, he will say so in answer to this question, and it will be an answer.

*The Question read.*

A. I am of opinion that the force which I have above mentioned was sufficient to have extricated me, but might have found very considerable difficulty in doing it. After all those troops which entered the town had been either taken or compelled to evacuate it, in short, between two and three o'clock, I am of opinion that that force might not have been sufficient for the purpose. If, in addition to Colonel Mahon's corps, which I understand to have amounted to about 2000 (I do not know where they were; that will be proved), if they likewise could have been brought in, I am of opinion, the probability is, that they would at any time have enabled us to defile out of the convent. I do not know whether it is necessary to add my opinion, after having been there eight hours, and the day drawing to a close, that something must have happened to make it impossible to relieve us, and every moment after that the enemy had it in their power to annihilate us. The Court will of course understand, when I say that they might have found opposition, I am supposing that the enemy would have made use of the means in their power, and have shown as much firmness and ability as they had done.

Q. Had you any notice, during the 5th, what were the points of retreat, if retreat became necessary; or where Lieutenant-General Whitelocke was to be found during that day?

A. I have, in a former part of my evidence, stated what I knew with regard to the situation which the Com-

mander in Chief meant to take; and I stated that no point of retreat was mentioned to me.

Q. I am aware of that; but your former evidence applies to what passed during the 4th: if you will have the goodness to confine yourself to the question, you will find that it applies to the 5th of July.

*The Question read.*

A. No point, upon which in case of failure I was to retreat, was ever named to me; nor did I ever receive any information respecting the situation in which the Commander in Chief would be to be found, further than that which I have already stated to have been communicated to me, in a conversation by Major-General Gower on the evening of the 4th. I do not know whether it is necessary to add, that after I marched off my ground on the morning of the 5th, I never saw any officers of the staff except those attached to my own brigade.

Q. Was it communicated to you by Major-General Gower, that Lieutenant-General Whitelocke determined to remain stationary at head-quarters during the whole of the 5th?

A. Major-General Gower told me, as I have already stated, that he should advise the Commander in Chief to take his station in the morning in the Coral, where I understand he remained the whole of the day; but, to the best of my recollection, I certainly did not understand that it was their intention to remain there all day, if any exertion was required.

*General Whitelocke.*—I have no questions at present; I shall call Brigadier-General Craufurd by and by.

Q. *By the Court.*—When you arrived at the Residentia in the afternoon of the 6th, to make inquiry whether the reports given to General Liniers of the cruelties exercised by the British army were true, did you learn that there was any foundation for such reports?

A. I was assured by Major Nichols of the 45th, that, as far as related to his regiment, there could be no foundation for them. As this is such a stigma thrown on the British army, I wish to be allowed to say that I do not believe it. I believe that murders were committed, and

that they were committed by a banditti belonging to the Spanish army. I know that three or four women and children were found murdered in one house; but I am perfectly convinced it was not done by the British soldiers: my firm conviction is, that the murders that were committed were done by a lawless banditti that formed part of the Spanish force. I told the Spanish General so at the time when he mentioned the reports to me. I trust the Court will be aware that there is no inconsistency in this and what I said before, that such reports were kept up and my not believing them.

Q. Is the Court to understand that you had no authority but over your own brigade, with which you were ordered to penetrate the town of Buenos Ayres, and establish yourself as near the river as you could; that having done so, your orders ceased, and that you then looked for further directions from the Commander of the forces, or some other your superior, who was charged with the general superintendence of all the attacks?

A. Certainly: and even my authority in my own brigade did, in a certain degree, appear to me to be limited in an unusual manner (the Court is better able to judge than I am whether this is usual), inasmuch as my own personal situation was pointed out in general orders, which also expressed that the left column of my brigade was to receive its orders from Colonel Pack. I do not know how far this is usual, but it strikes me as not being so. After having penetrated through the town, I certainly felt myself bound to remain there, as long as possible, for further orders. It certainly did appear to me rather odd, that the 45th regiment was not directed to receive its orders from me, as I was the only Brigadier with the right wing of the army. I hope the Court do not understand from this, that my authority over Colonel Pack was taken away.

Q. From your knowledge of the country, and the means and strength of the enemy, are you of opinion that the British force sent upon the expedition to Buenos Ayres was, or was not, sufficient to accomplish its object?

A. I am of opinion that it was sufficient to take the town of Buenos Ayres; and that if, after that event, it had

been found possible to have conciliated the inhabitants; we should have been there in a reasonable degree of security. The Court understands that I am not giving any opinion now as to what might have been done after the failure of the attack upon the town. I will, with permission of the Court, read three lines of the orders sent to me with regard to my brigade.

*(Reads them. See Appendix.)*

Q. Was the 45th regiment, in the original plan of attack, mentioned as placed on the right of your brigade?

A. You mean the plan of attack of the 4th?

Q. Yes.

A. All that was said of the 45th regiment in the disposition that I received, was this: "The 45th regiment to "advance by wings, left in front, up the two next streets "beyond the light battalion."—On looking over the paper, I see it is mentioned again; it says, "Each Officer "commanding a division of the left wing, &c."

*(Reads it. See Appendix.)*

*A Member.*—Q. Brigadier-General Craufurd has said that the 45th got verbal orders to go to the Residentia. When did you understand that the 45th was sent to the Residentia by verbal orders?

A. It was after the head of my column arrived on the beach; I do not know exactly when, or whether it was when I first saw Colonel Guard, or not: of course it must have been so; but my Brigade-Major, if it is necessary, can state it accurately.

Q. Did, or did not, the plan of attack given you by Major-General Gower, differ from the one explained at head-quarters on the 4th?

A. In the forenoon of the 4th I received, at head-quarters, two written dispositions. The one which I last received, and which was acted upon, was, in some particulars, different from the other. If the Court thinks it essential to know the difference, I could get the other, by stepping into the room where the evidences wait. I have left it there. I think the material difference was as to

the hour of attack. In the first it was to attack at twelve, and in the other, at half past six in the morning.

*Judge Advocate.* I do not know the Honourable Member who sent up that question, but will thank him to say whether he thinks it necessary that the plans should be produced, in order to compare the difference?

*A Member.*—The one you have here is the one which was acted upon.

A. Yes. In the first, the order to penetrate into the heart of the enemy's position was more peremptory than in the second. I remember the impression upon my mind was, that an officer would have thought himself censurable under the first, if he had not penetrated to the heart of the enemy's position. I think some little alteration was made in that part.

Q. Can you tell what was the object to be obtained by the troops penetrating through the streets to the beach, when they could have reached that point without difficulty as you have described, by marching round the town to the water?

A. Upon my word it is very difficult for me to answer the question. I cannot pretend to say what was the object. I conclude it was to engage and defeat the enemy's principal force, which, by marching round the outside of the town, we should not have come in contact with. I beg that the Court will have the goodness to inform me, whether they consider me as giving any opinion upon the propriety of the attack.

Q. Whether you can tell——

A. I beg leave to add, that I can only guess at the object of those who made the disposition.

Adjourned.

## TWENTY-THIRD DAY.

SATURDAY, FEBRUARY 27, 1808.

*Brigadier-General Craufurd called in.*

*Judge Advocate.*—Q. Have you got the two papers containing the dispositions?

A. Yes, I have.

Q. Be so good as to produce them.—*(Produces them.)*

Q. Did, or did not, the plan of attack, given you by Major-General Gower, differ from the one explained at head-quarters on the 4th?

A. In the forenoon of the 4th I received, at head-quarters, two dispositions for the attack; I do not believe that either of them were given to me by Major-General Gower. That which I received last, and which was acted upon, did in some particulars differ from the former. I have both the original papers that were put into my hands at head-quarters, now here. Shall I explain to the Court in what particulars they differ, or will it be more proper that I should lay them before the Court. I can swear that they are the papers I received officially.

Q. Who did you receive them from?

A. I received one in an official note from the Secretary of the Commander of the forces: I cannot say from whom I received the other; but it is written, to the best of my belief, by Major-General Gower himself. I do not think I received it from the hands of the Major-General, but I received it in the room at the head-quarters. I can swear that these are the papers I originally received.

*A Member.*—Is this of any importance?

*Judge Advocate.*—I cannot say how far these papers are material or not. In my present view of the subject certainly not.

*Brigadier-General Craufurd.*—As I stated before, in the first disposition which I received it was ordered that the attack should be made at 12 o'clock the next day. The last

order cancelled the first in some particulars, but I thought it was my duty to obey what was contained in the first order with regard to my own brigade, inasmuch as that was not contradicted in the second, and which, not being contrary to the second, I thought it my duty to observe. There are other differences between them. I wish it to be taken down, that the first order contains some details with regard to my brigade which were omitted in the second, but which not being in contradiction to the general tenour of the latter, I of course considered it my duty to observe.

*A Member.*—The last orders are the general orders.

A. Yes: the first was intended to be given to every commanding officer, but, in consequence of it having been represented that twelve o'clock that day was not a proper time, in a conversation which it is not necessary to state, the hour was altered. Unless the Court wish it, it is unnecessary to state the difference. I have an official letter of the Commander of the forces, in which the first order was enclosed, which I suppose Lieutenant-General Whitelocke will think it proper to produce, inasmuch as it contains reasons for attacking the town in that way.

*The two papers containing the dispositions and the letter were delivered in.*

*Brigadier-General Craufurd*—With respect to that letter there is a circumstance which it may be proper to mention. My happening to have this letter in my pocket when I was taken prisoner, was, I believe, of some use, as the superior Spanish officers had heard that orders had been given by Lieutenant-General Whitelocke to give no quarter. On my showing this letter to Generals Liniers and Dalbiani, it appeared to convince them that General Whitelocke had been anxious to prevent any unnecessary effusion of blood, and particularly any acts of violence being committed on persons not carrying arms.

Q. Did you, when you reached the beach, and would have assailed the fort and citadel had your means been equal to the task, entertain a doubt of their attainment being the main and ultimate object of the attack?

A. Having no ladders I certainly did not think that it was expected of me to get into the fort; but if I had seen any possibility of taking it, I of course should have judged it my duty to do so.

Q. That was not the question; the question is, whether you considered it the main and ultimate object in view of the attack.

A. I conclude that the taking of the whole town was the object of the attack. The question is put as if I had at any time entertained an opinion that my orders were to go into the citadel.

*A Member.*—No, not at all.

Q. Are you of opinion that, in the better order, and with the least impaired numbers, troops could be brought to the point of attack, the greater would be the prospect and probability of the success? You will not consider this question confined to your brigade, but applies yet more forcibly to those parts of the army that suffered most severely in penetrating through the streets to the river.

A. I am of opinion that it is at all times highly important to bring troops up to the enemy in as good order as possible; and that the smaller the loss in preliminary measures, the greater probability there will be of success.

Q. Do you believe that the surrender of the town would have been the natural consequence, had the fort and citadel been carried?

A. That must have depended upon circumstances, which I will explain. The fort is small and completely commanded; there is no parapet. If any one small column, taking advantage of the enemy being in a state of partial confusion, had penetrated into the fort, through the gate, (for that was the only way of getting into it), I think it very probable they might have had the same fate which I had in the convent of St. Dominigo. I think it is possible that such a circumstance might had happened; but if the columns had failed, and others had not come near them, they must have surrendered. The fort and citadel are the same; it is a very small square fort, without a parapet. With deference to the Court, I do not think that my opinion upon that subject can be of any importance.

Q. Do you conceive any advantage would have oc-

curred from the troops having been ordered to load before the commencement of the attack?

A. My opinion is, that it would have been better if they had been loaded.

Q. Are you sufficiently acquainted with the environs of Buenos Ayres to state whether the force under Lieutenant-General Whitelocke, when entire, could have been so disposed as to cut off all supplies by land from the town?

A. I am not sufficiently acquainted with the environs of the town, from any actual reconnoitring, to enable me to speak positively to that point. I am rather inclined to think, that considering the inability of the enemy, from the nature of his troops, to contend with us in the field, that we might with safety have taken such a position as would have rendered it difficult for the town to obtain considerable supplies from the country. I do not know whether it is necessary to add, that if the enemy's troops had been of a different description, that evidently would have been out of the question: I do not think that we then could with safety have taken such a position.

Q. From your observation of the place, could a communication have been established with the fleet before Buenos Ayres, and a situation chosen from whence the effect of batteries might have been tried?

A. If the army had taken a position on the north side of the town, embracing the heights of the Tauros, we might have communicated with the fleet, and tried with advantage the effect of cannonading and bombarding the town.

Q. Was the situation of the Spanish troops in the houses, on the 5th, such as to have afforded them protection against shot, shells, and grape from carronades of a heavy nature?

A. Am I to consider it as proceeding from the ships?

Q. From the de Tauros.

A. I certainly consider that a cannonade from heavy batteries on the heights of the Tauros, and from the shipping, would have had a considerable effect in preparing the way for an assault. The houses are none of them such as to resist either shot or shells; all the shot that I

saw went through. From there being very little wood in their construction, they certainly are not easily set on fire.

*A Member.*—You do not expect that houses should be set on fire by shells; they may be, but that is not the intention of them.

A. I do not know whether it will be material to add to that answer, that the fort itself, from having no parapet, and several of the principal houses, from the tops of which the enemy fired with effect against troops advancing towards the fort, were entirely open to the fire of gun boats, and such other vessels as from the depth of water could approach near enough to the town. What could approach, the Admiral can tell better than I.

Q. Were you, or were you not, aware of any pressure of circumstances on the morning of the 5th, which rendered it indispensably necessary to proceed to action on that morning?

A. I am of opinion that it was advisable to change our position; but certainly there were no circumstances within my knowledge, which rendered it necessary to assault the town on that day. I mean by changing our position, that we were losing men in our position without any object. What I mean by changing our position, was, to have taken up the one which I prescribed, and to have attacked the heights of the Tauros, which the Court will be aware are not within the town, but are separated from it.

Q. Had you, or had you not, any sort of intimation or knowledge whatever of the plan or disposition which the Commander of the forces had it in contemplation to make when the several columns should have arrived at their respective places of destination on the 5th of July?

A. I had not. It is unnecessary to state, that I expected some superior officer would then arrive to make a further disposition. I beg leave to correct some little errors in my evidence. The Court asked me, if I could judge what portion of the enemy I was engaged with on the 2d. I have what people in general would consider as the best information upon the subject, but whether it can be admitted by the Court I do not know. It states

that General Liniers marched to meet us with 4000 men. I have it from undoubted authority, and I can state from that authority, that he did march with 4000 men. I stated before, that, from my own observation, I could not undertake to answer that question. I believe they were the most regular troops the enemy had, because all those that were killed were dressed in uniform. The second in command of the Spanish army told me that General Liniers marched with 4000 men.

*Judge Advocate.*—I am not aware of the view, or with what intention this is introduced. I think that this information, which Brigadier-General Craufurd acquired subsequent to that period, and which could not be known to Lieutenant-General Whitelocke at the time, and when it was impossible for him to regulate his conduct according to that information, cannot be used against Lieutenant-General Whitelocke. I conclude that this information was after he had surrendered, and I therefore think the first answer ought to stand.

*Brigadier-General Craufurd.*—I stated that Major M'Leod was rather unwilling to take upon himself the responsibility of giving an opinion which, I informed him, I should afterwards call upon him officially to repeat; but from all that passed between him and me in the presence of Lieutenant-Colonels Pack, Guard, and Holland, I and they felt convinced that he concurred in our opinion. I do not know whether it is proper to say, that, without thinking ill of Major M'Leod, I could not draw any other conclusion. There is another thing I have omitted, which is, that after the attempt to quit the convent, I ordered the riflemen to resume their posts. It is asserted in an infamous publication, who is the author of it I do not know, that I did not order them to resume their station; but I did order them. I have said, in answer to a question, that the guns we had with us were of no use; I hope the Court will allow me to add, in justice to the persons who served the guns attached to my brigade, that they did that day, as they always have done, distinguish themselves particularly: Captain Nichols and the men conducted themselves with distinguished bravery. All the men and horses belonging to the other were killed. I wish to insert, that the

officers and men attached to the artillery behaved themselves with distinguished gallantry.

*Judge Advocate.*—A question has been put to Brigadier-General Craufurd which an Honourable Member thinks had better be erased, but which it would not be regular to do without stating to General Whitelocke the reason. The question is this, "Are you of opinion that, "in the better order, and with the least impaired numbers, troops could be brought to the point of attack, "the greater would be the prospect of the probability of "the success?" I consider it perfectly immaterial, but the Honourable Member wishes it to be struck out.

*The question and answer was struck out of the minutes.*
*The witness withdrew.*

*Lieutenant-Colonel Dennis Pack called in, and sworn.*

*Judge Advocate.*—Q. Did you command the left wing of the light brigade on the attack of Buenos Ayres, on the morning of the 5th?

A. I did.

Q. State the operations of that wing from the period of your separating from the right wing, under the command of Brigadier-General Craufurd, till the period of your junction with him.

A. I proceeded into the town of Buenos Ayres by the road pointed out in orders. The first remarkable thing that attracted my notice was the extraordinary stillness of the town, interrupted only by a few random shots fired at the column from a distance as they passed. Some intelligent men of the advanced had observed the sound of voices in some of the houses as we passed, and prudence would here have dictated to me to have examined them separately as I went along; but thinking that such an operation would militate against the orders I had received, I thought it right to press forward. I did so without further opposition, except from shot from some avenues leading to the Great Square, the bottom of which we passed, till I came within full view of the river Plata. I here halted the head of the column, to allow it to close up, and hearing a firing to my left, and seeing nothing in my front

of the enemy, or any post to occupy there or to my right, I conferred with Lieutenant-Colonel Cadogan, who agreed with me in the propriety of taking ground to the left, and commencing the attack, supposing the enemy to be there. The lamps were just expiring, and some of them seemed disposed as if to assist the besieged in case of a night attack, and circumstances generally denoted a certain state of preparation and intended resistance.

*Judge Advocate.*—I will thank you to state the strength of your column.

A. My column was, I believe, as nearly as possible, 600 rank and file. I directed Lieutenant-Colonel Cadogan to lead the rear half up, and advance in a parallel street with me. I was always under apprehensions that we were unprovided with means equal to overcome the defences of the place, and I was soon convinced that I had entered upon a contest the most unequal, perhaps, that was ever fought; for I had scarcely approached under the Franciscan church when I lost, by the fire of an enemy almost invisible, and certainly by us unassailable, the officer and almost the whole of the men who composed my first division, who were volunteers from the different companies, the officer and nearly half the next company, and so in proportion of the others who composed my division. Finding it impossible to penetrate to the object of attack, which I conceived to be the square and fort, or gain any advantageous position in the neighbourhood, I thought it right to desist, and inquire the success of the division which had gone by the approach on my left. With this intent I withdrew the remains of mine to the cross street by which we had advanced, and which in a great degree protected them from the fire we had been under. I had scarcely done so, when I learned the failure of my other column also; and, on going into the street, I found the men retiring, and met Colonel Cadogan in a little time; he was excessively distressed, and emphatically assured me that he and all his men had done their duty, but that really they had not the means of succeeding. I should mention that the gun which was attached to our column from the position in which it was, had accompanied him; every man or horse had been killed or wounded at it, and the

gun was lost. I could readily believe Colonel Cadogan's statement, and directed his men to form on the line with mine, and I went myself to reconnoitre the buildings forming the bottom of the square in which the Jesuits' College was situate, but, though well acquainted with them, I found it impossible to find an entrance there. On returning to Colonel Cadogan, I intimated my intentions of proceeding to the Residentia. Some of his men had forced open two houses, but I conceived them of no consequence, except that they gave shelter to the wounded men. Colonel Cadogan, however, deprecated the idea of giving up the ground we had gained with so much loss, and as Brigadier-General Craufurd was momentarily expected up, I allowed him to remain in the position the troops were then in. On crossing to fall in with General Craufurd, I met Colonel Guard with a division of the 45th, and learnt from him that the Residentia was in our possession. Almost immediately after, General Craufurd's column appeared at the head of a narrow street, leading to the back of the St. Domingo church. I had often mentioned to General Craufurd the advantages of the position about the Residentia, and after relating to him the misfortunes of the morning, and stating to him the impracticability, in my mind, of overcoming the defences of the enemy, provided as we then were, and how badly situated Colonel Cadogan was, I strongly pressed upon him the propriety of taking post at the Residentia. General Craufurd hesitated; and I saw an apparent reluctance on his part, and that of Major Trotter, to retiring. He asked me if the building at the back of which we stood was not the St. Domingo church. I answered, Yes; but that I did not think it was an advantageous position to take. He remarked that it was in strict conformity to his orders to do so, and I reluctantly assented to it. General Craufurd asked if the position of Colonel Cadogan would not, in some degree, support his. I think I said it might. On entering the church, which we were enabled to do by the 3-pounder which General Craufurd had, some parts of it were found to overlook the houses more than, I confess, I thought they would. The colours of the 71st regiment were found there, and I was overjoyed that we had en-

tered, satisfying myself that though I might have acted contrary, General Craufurd, as an officer, had acted right. Under those circumstances Colonel Cadogan was allowed to hold the position he had, and the remainder of mine near the convent were brought in. It was my intention to have gone to Colonel Cadogan, but General Craufurd insisted on my going in to where the Surgeon was.—

Q. Were you wounded?

A. I was. Things were at this time pretty quiet, and we rested in confident hopes that a favourable opportunity would soon occur of renewing the action, or of advancing to the Franciscan church, which was very little in our front, and a very great object to gain. Between eleven and twelve, as nearly as I can recollect, it was reported, with other favourable circumstances, that the colours of the fort had been hauled down, and I believe no one doubted that the flag of truce, which soon after appeared, was to surrender, instead of summoning us to do so; and, availing themselves of this flag of truce, the enemy had advanced their approaches; and after General Craufurd had dismissed the flag of truce, they attempted to press forward upon our gun; but this I was not aware of till the bustle of Colonel Guard's division going out and returning attracted my attention, when I heard it, and the severe loss he had sustained. General Craufurd came in shortly after; his eyes seemed now to be opened to the situation we were in, and to doubt whether things were so favourable as we had hoped: and so satisfied was I that he might then have thought of retiring, that I directed an officer, I believe Major M'Leod, to take care that our colours were confided to some trusty men. One of them had been placed upon the top of the convent, and the direction I have mentioned must account for it then being taken down, though not intended to be acted upon at the moment. General Craufurd seemed now to think more decidedly upon the propriety of retiring. He asked me if I should be able to accompany him, and still entertained doubts of his being warranted in evacuating his post. I answered, Yes: it really appeared to me a point of such delicacy that it was impossible to press it; and thus a hope of receiving orders, and a sense of duty, as it appeared to me, led General

Craufurd to postpone carrying into effect a retreat until that moment when it became a matter of consideration to communicate with the enemy. This, I should suppose, was between two and three. He seemed to think then it would be impracticable to retreat, and I certainly thought myself it must be attended with a very severe loss. In a very little time afterwards, General Craufurd assembled the field officers, when he gave his opinion decidedly to the effect I have mentioned; and on his doing so directly to myself, I said, that in that case I thought a question as to what effect our conduct would have on the general operations of the army, and whether we were not placed in that critical situation as to make it absolutely necessary for us to sacrifice ourselves. Neither General Craufurd nor those present seemed to think there could be any such necessity; and I assented to the judgement of General Craufurd, an officer, although unfortunate, I must ever respect and admire; and I think it a duty I owe to him and to myself to state distinctly, that in having given that assent I must be considered to have sanctioned that which afterwards took place. I do not think, however convinced he might be of the propriety of what he was about to do, he would have acted so without conceiving he had the sanction of those he consulted. General Craufurd seemed perfectly ready to sacrifice his own life, but thought he was called upon to interpose his authority to save those who were placed under him. When this discussion took place, I certainly thought, if we were obliged to surrender, that we would have had better terms; and when, eventually, General Craufurd went out to the Spanish officer, I was not present, nor aware of the circumstances, at the moment, that led him to make the capitulation he did: at the same time, by mentioning this, I do not mean to insinuate that I either would, or could, then, with propriety, have withdrawn the sanction I had given to General Craufurd. I do not know that it is necessary for me to state any thing further that passed after the surrender of the troops.

*Judge Advocate.*—We have already had that from General Craufurd.

Q. You belonged to the former expedition under General Beresford?

A. I did.

Q. While you were at Buenos Ayres, with General Beresford, had you the means of obtaining a local knowledge of the town of Buenos Ayres and its environs?

A. I had accurately of the town, and a general idea of the environs.

Q. Were you the senior officer attached to the expedition under Lieutenant-General Whitelocke, who had belonged to the former expedition under Brigadier-General Beresford?

A. I was.

Q. Being the senior officer of the expedition under Brigadier-General Beresford who had belonged to the former expedition against Buenos Ayres; were you at any time, and when, consulted by Lieutenant-General Whitelocke upon the plan of operations against the town?

A. General Whitelocke spoke to me twice upon the subject; once when I happened to be at head-quarters, and in the evening of the 3d of July. The orders and arrangement for the attack the next morning were then out. General Whitelocke, seeing me at head-quarters, beckoned me over, he said, What do you think of this? or something to that effect; to which I replied, that every confidence was to be placed in the troops, but I was anxious to see the means of carrying the attack that was decided upon into effect. Something attracted the General's attention at this time, and rather abruptly broke off the conversation. General Whitelocke appeared to me then as a man intending to act contrary to what was his own judgement, and I was inclined the more to that opinion, having seen a paper that the intended mode of attack would not be resorted to under different circumstances. Very shortly after I retired to my quarters, to the brigade, but with directions to attend the next morning at head-quarters, I think, at nine or ten o'clock, with the other commanding officers, to receive orders. General Craufurd had resigned the care of his brigade a good deal to me, and in preparing the disposition of it, and not having a watch, the hour inadvertently passed over, and I was not present when the commanding officers were assembled. The general officers, however, were there, and the mo-

ment General Whitelocke saw me, he called me over. Nothing to that time had been furnished to the brigade that, in my opinion, would have forwarded the attack intended; and I, more decidedly than the evening before, then mentioned my apprehension that we had not the means of succeeding. I remarked to him, that from the turrets of Buenos Ayres the enemy could distinctly perceive every movement that was made; and I suggested the propriety, if such an attack was to be made, if it would not be better to attempt it before daylight, and when, perhaps, we might have better means furnished. To this General Whitelocke seemed immediately to assent, and he took me into the room where the other general officers were, and mentioned to them the purport of what I had stated. It seemed to be approved of by the general officers; but, as I thought, so coldly received by the second in command, as to prevent much discussion upon the merits of the business; and the conference broke up with the orders for it to take place, as it did, on the following morning.

Q. Is the Court to understand that you were not consulted at all by Lieutenant-General Whitelocke, as to the plan of operations against the town, till after the plan was formed, and the orders issued for its execution?

A. I will leave the Court to form its own judgement, having stated facts.

Q. Having stated, in the first conversation which you had with General Whitelocke, that you were anxious to see the means of carrying the attack that was decided upon into effect; and having suggested the propriety, in a subsequent conversation, if such an attack was to be made, of attempting it before daylight; did you, or did you not, communicate a distinct disapprobation of the plan of attack decided upon?

A. I do not recollect any thing further passed than I have stated. To Lieutenant-General Whitelocke I do not recollect to have said any thing further.

Q. Having stated that you recommended, if such an attack should be made, the propriety of attempting it before daylight; did you convey your opinion that, if the attack was made before daylight, it would succeed?

A. Most certainly I never intended to convey the slightest approbation of the attack intended; and to General Craufurd I opened my mind upon the subject, deprecating such an attack, as I would have done had I been sure of succeeding, from the loss of lives which I knew would occur.

*Judge Advocate.*—I am doubtful how far the last part of the answer should be taken down. I am inquiring what passed between Lieutenant-General Whitelocke and Lieutenant-Colonel Pack; but any conversation between Lieutenant-Colonel Pack and another officer, cannot well be received as evidence against Lieutenant-General Whitelocke.

*Lieutenant-Colonel Pack.*—I should have thought that my first answer would have conveyed every thing that was necessary.

*Jugde Advocate.*—In your narrative, you stated—"I "was always under apprehension that we were ill pro- "vided with means equal to overcome the defences of the "place." I wish to ask, in what particulars were the troops under your command ill provided with the means necessary to ensure success?

A. I conceive in many: in artillery, scaling ladders, petards, and better implements for forcing open houses, and which I understood had been provided before.

Q. Having stated that the door of the convent of St. Domingo was broken open by the three-pounder you had with you, are you of opinion, that if more artillery had been ordered to accompany the column, they would have had a better chance of success?

A. Certainly: and scaling ladders in an attack of that kind, I should have thought particularly necessary and desirable.

Q. From what you saw of the strength and means of the enemy on the 5th, are you of opinion that the necessity of your surrender would have been prevented, had you received that support from the reserve, under the immediate command of Lieutenant-General Whitelocke, or from the force under Colonel Mahon, which, from your knowledge of the strength of those corps, either of them might have been able to afford you, if so directed?

A. Certainly; for a simple communication of orders would have prevented the catastrophe; or had the 45th even acted as a supporting corps, and kept up the communication to convey them. I should make a remark, that with regard to the strength of Colonel Mahon's corps, or any reserve, under Lieutenant-General Whitelocke, I did not then know. I know, from mere report, what Colonel Mahon's strength was. With the strength of either of the corps mentioned in the question I am unacquainted.

Q. Can you state, from your local knowledge of the environs of the town, whether the army under Lieutenant-General Whitelocke, when entire, could have been so disposed as to cut off all supplies by land from the town?

A. Yes; I think it could.

Q. From your local knowledge of the town, could a communication have been established with the fleet, and a situation chosen, from which the effect of batteries might have been tried?

A. Yes.

Q. State what, in your opinion, that situation ought to have been.

A. The Plaza de Tauros I conceived the most commanding situation; and any attack I could have been induced to have made upon the town, would only have been made as feints with a view of carrying that one place.

Q. From your local knowledge, was the situation of the Spanish troops, upon the 5th, such as to have afforded them protection against grape or carronades of a heavy nature, directed against the town by sea or land?

A. I do not exactly understand the question. I think it must be clear to the Court, that no attack could be made from the water, while the troops were in the town.

Q. In order to explain; my object is to follow it up by another question, whether a combined attack from the Plaza de Tauros by land, and the shipping by sea, would not have been the most likely way of succeeding. I think, in the answer to that question, Lieutenant-Colonel Pack will be able to give us his opinion.

*The question read.*

A. I do not conceive the shipping could well have been

brought into action until the Plaza de Tauros was carried. That place certainly would have prevented, in a great degree, the effect of their fire upon the Spanish troops, as they were posted. From the land side, batteries and heavy ordnance certainly might have been erected with effect, though the ground generally is not favourable, with the exception of the Plaza de Tauros.

Q. Supposing the Plaza de Tauros to have been in our possession, would it have been practicable, from your knowledge of the town, to have had an effectual co-operation from the navy in the attack?

A. Most certainly. I cannot conceive the town of Buenos Ayres, holding out an hour, with batteries erected in the Plaza de Tauros, and a well-combined attack from the navy.

*Cross-examined by Lieutenant-General Whitelocke.*

Had I not, before the 3d of July, availed myself, in various conversations, of the information afforded by your local knowledge of the country and inhabitants?

A. On the march from Ensenada, General Whitelocke did once or twice, or perhaps oftener, question me as to the route, and respecting the Rio Chuello, and other points connected with the march, and which, generally, I was not able to give him information upon, not having been in that part of the country before. There were some points upon which I could give him information. I do not recollect that he asked me any questions relative to the inhabitants of Buenos Ayres, though I believe he might have got information respecting those on the Colonia side of the river.

Q. Did I ever see you before you joined the expedition at Colonia, after we had sailed from Monte Video?

A. Never.

Q. Had you heard of the plan of attack, before I joined with the main body on the 3d of July?

A. Never, in any way. I did not know even the point of debarkation, except by report.

Q. Did you, at any one time, state any other deficiency than that of implements for forcing of doors, &c.; and did not I, immediately order a search to be made for more of such implements?

A. I do not recollect that I did. The implements a mentioned, I always understood were on board ship; and also have reason to know, that General Whitelocke did order such a search to be made.

Q. Was any disapprobation of the plan, or any opinion unfavourable to its ultimate success, though with loss, either given or stated at the meeting on the 4th of July?

A. I do not recollect that there was; though some remarks were made, and, I believe, by myself, which were stopped in the way I have mentioned. If I did not open my mind, and express disapprobation of the attack intended, it was because I conceived the Commander in Chief had the best possible information from Sir Samuel Achmuty, who had lived for three weeks in close intimacy with Brigadier-General Beresford previous to the arrival of Lieutenant-General Whitelocke; and I was impressed with the conviction, that General Whitelocke had originally intended to act upon a very different plan, and was led to adopt the one I have mentioned from some imperious necessity, which I have never learnt, and that he was perfectly aware of the difficulties he must encounter.

Adjourned.

## TWENTY-FOURTH DAY.

MONDAY, FEBRUARY 29, 1808.

*Judge Advocate.*—Before General Whitelocke proceeds with his examination of Lieutenant-Colonel Pack, I wish to state to the Court, that I have been applied to by Brigadier-General Craufurd, to amend an answer which he made to a question I put to him. He would have attended here this day; but it appeared to me that the amendment is so trivial, that his attendance is not necessary. I have communicated to Lieutenant-General Whitelocke the alteration proposed to be made, and upon which no additional question can arise. The question is this: "Would not the operation of the troops under your command have been materially aided by artillery?

A. "I do not think that field-pieces, taken into the middle of the town, in the manner which we advanced into it, would have occasioned any great difference in the result of our attack. I mean to state, that I am of opinion, that cannons' aid in a different way would have been useful. I only mean, that going into the town in little columns, in that way, it would not have made much difference. Those which we had, were of no use to us, because there was such a firing that the men could not stand by them. The men and horses of one were all killed." The alteration Brigadier-General Craufurd wishes to make, and which I have communicated to Lieutenant-General Whitelocke is this; after the words, "I do not think that field-pieces taken into the middle of the town, in the manner in which we advanced into it, would have occasioned any great difference in the result of our attack." He wishes to add, Except as they might have been of great use in breaking open doors.

*Lieutenant-Colonel Pack called in again.*

*The last question and answer of Lieutenant-Colonel Pack's former evidence read.*

*Lieutenant-Colonel Pack.*—I beg, before any further question is put, to say, that I did not conceive that answer was quite concluded. That question, and the one before it, certainly, as I take it, convey an idea, that Lieutenant-General Whitelocke, had an impression upon his mind, that I was further consulted than it appears by the evidence I was, and I really think it is but justice to me, that I should be permitted to trespass upon the indulgence of the Court for a short time, to enable me to show, that if he had such an impression, he must have been deceived. I should be sorry that Lieutenant-General Whitelocke should think, and I must be lowered in his esteem if he does think, that I have answered any question in a different manner from what he expected of me. I must, therefore, go on, and state what took place from my first interview with General Whitelocke, and then the Court and the world will judge how far I was called upon to give more information, which my local knowledge of

the country enabled me to do; and I shall most readily share any blame that may be supposed to attach upon his shoulders, if it shall be thought that I ought to have done so. I shall give no opinion upon the subject, but leave it to the Court, whether I could with propriety have done so.

*A Member.*—Lieutenant-Colonel Pack wishes to add something to his narrative, as I conceive.

*Lieutenant-Colonel Pack.*—Yes; that answer should not be considered as ended. First, I shall throw myself upon the judgement of the Court in what I am about to state. In giving my evidence, I shall be extremely sorry to say one word too much; at the same time I should feel the same regret in saying one word too little.

*Judge Advocate.*—I think, from the conduct which the Court has hitherto pursued, I risk nothing in stating, that they would be anxious, if Colonel Pack conceives that the answer as it is taken down is not distinctly stated, or that the opinion which he has given is liable to misrepresentation, that it should be explained, and be corrected upon the minutes: Lieutenant-Colonel Pack, therefore, will amend any part of it.

*General Whitelocke.*—I wished to ask Lieutenant-Colonel Pack, if he heard the General Officers express any disapprobation of the plan of attack on the 4th. That is the question which I put to Lieutenant-Colonel Pack.

*A Member.*—Colonel Pack states, that expressions unfavourable to the plan dropped from him; and that part of the answer I understand Colonel Pack is anxious to explain.

*Another Member.*—General Whitelocke says he does not ask with regard to the opinion of the witness only, but generally, whether the General Officers expressed any disapprobation of the plan of attack, and not particularly with regard to the opinion of the witness.

*Judge Advocate.*—Then the question does not apply, if General Whitelocke intends it as a general question. Supposing Lieutenant-Colonel Pack heard no opinion expressed, except what he stated himself, the question does not apply in the way the General states it.

*Lieutenant-General Whitelocke.*—I want to know what was said upon that occasion.

*Judge Advocate.*—What was said, either by himself or any one else.

*Lieutenant-General Whitelocke.*—That is the question which I put, in my own language, and which is not to be explained away by the prosecutor or any one else.

*Judge Advocate.*—I do not mean to explain it away: I have read the question in the very precise words in which it was put; but when a sort of objection is stated, to allowing Lieutenant-Colonel Pack to give an explanation of his answer, upon the ground that it means something different from the import it bears, I am bound to interfere in favour of the witness, and to state that he is called upon to give an explanation of the answer if he thinks it necessary. What is the question?—The question, in the words in which it is put, is, "Was any disapprobation of the "plan, or any opinion unfavourable to its ultimate suc-"cess, though with loss, either given or stated, at the "meeting on the 4th of July?" In answer to that, what does he state? what is the substance of that answer? That he did not hear any other expressions unfavourable to the plan, except what dropped from him; but upon being asked whether he heard any opinion given which was unfavourable, he certainly heard his own, and he would not have been giving a proper answer, if he had not stated what that opinion was.

*Lieutenant-Colonel Pack.*—That is not it exactly: I wish the Court, and Lieutenant-General Whitelocke particularly, to be impressed with the idea, that if I did not give opinions then, it was not from a kind feeling towards him; but I did not state it, because I thought I had no opportunity of doing so, and that it would have been presumption in me to have obtruded myself upon his attention. It was in a way in which I could not have obtruded myself on his attention.

*Lieutenant-General Whitelocke.*—Is that the whole of what you meant to observe?

A. Yes, it is, if that is sufficient; but it is not the whole of what I have to observe, if it is not: because I should go back to the first interview which I had with

General Whitelocke, and state all that took place afterwards. I should be very brief, and it would put the Court in possession of all the information upon the subject. I stood in a very delicate situation, having been second in command to Brigadier-General Beresford. After 12 months' anxious thought upon the subject, and in possession of the whole of Brigadier-General Beresford's ideas upon the subject and my own too, I must have formed strong opinions.

*A Member.*—What I understand Lieutenant-Colonel Pack to have said is this: he did not say whether he had, or not, been consulted, but he stated fairly what had passed.

*Judge Advocate.*—The question is not whether he was consulted, but was any disapprobation of the plan, or any opinion unfavourable to its ultimate success, though with loss, either given or stated at the meeting on the 4th of July.

*A Member.*—I understand Colonel Pack to say, that he had stated all that passed, and he leaves it to the Court to judge what inference is to be drawn from it. I take it, the Court only wants to know the opinion he gave, and not the opinions which he did not give: he might have had a great many opinions. I suppose this Court has nothing to do with any but those which he actually gave. If Colonel Pack had opinions which he would have given to General Whitelocke if he had been asked for them, yet if he did not give them, I conceive the Court has nothing to do with it. He has said, that he had a short conversation with Lieutenant-General Whitelocke which was interrupted, and therefore he did not say what he otherwise would have said. A little time after he had another conversation with General Whitelocke, and in stating those two facts, he has told every conversation he had with General Whitelocke.

*Another Member.*—I rather think Colonel Pack is asked, whether he had ever been consulted.

*Judge Advocate.*—Lieutenant-General Whitelocke has handed in this paper, which I will read.

" The prosecutor is mistaken in supposing that an ob-
" jection of any sort is taken to what Colonel Pack has
" said or wishes to say. Lieutenant-General Whitelocke
" wished only to know what passed at that meeting, and
" that his question might therefore be so understood. It
" is for the Court to say whether they wish to hear Colo-
" nel Pack. General Whitelocke only wished to do away
" the impression that seemed to be on Colonel Pack's
" mind, that Lieutenant-General Whitelocke was dissa-
" tisfied, or might be so, with his answers." I have no observation to make upon this, except that it appears Lieutenant-Colonel Pack has not given that sort of answer which is satisfactory to his own mind, and that the Court wishes him to amend it if he thinks it necessary.

*Lieutenant-Colonel Pack.*—If General Whitelocke has not an impression on his mind that I had an opportunity or could have given information which I did not, I am satisfied.

*Judge Advocate.*—Am I to understand that Lieutenant-Colonel Pack does not wish to amend his answer.

*Lieutenant-Colonel Pack.*—If General Whitelocke is satisfied, I must be so. I have only to remark, with regard to my former evidence, which has occurred to me since, that being so particular in my statement with regard to Brigadier-General Craufurd having given advice, which, if followed, as circumstances turned out, would have been favourable, it may appear as if I wished to take credit for doing so. It is quite the contrary; and if the circumstances are taken into consideration, they will show that I had no wish to take any merit to myself. I felt a conviction, from my local knowledge and experience, so strongly of the propriety of acting as I advised, that, though aware it was the most delicate step a soldier could take, I gave my opinion to him freely, as a stranger would have asked it, and I did not condemn him, because if he did not feel the same conviction that I did, he could not have followed it.

*Questions by General Whitelocke.*

What would have been the consequence to the prisoners of the renewal of the attack upon the town, either by the same means, or bombardment, or otherwise?

A. I think a bombardment of the town of Buenos Ayres, must certainly have endangered, and very strongly, the lives of the prisoners; but I do not think, as I stated almost immediately when General Whitelocke asked me a similar question, that the lives of the prisoners would have been endangered from the inhabitants: I do not believe that the inhabitants would have put them to death. At the same time there are others, whose judgement perhaps is better than mine, who were of a different opinion:

Q. Look at that letter, and state, whether that is or not a copy of the letter which you wrote to General Whitelocke on the subject.

A. It is; and it is on the recollection that I wrote that letter that I went specially to him and delivered my opinion, that the lives of the prisoners were not in danger from the inhabitants.

Q. Did you personally see me?

A. Yes, personally, and explained to you.

Q. Is that a letter written to Lieutenant-General Whitelocke?

A. It is a letter wrote for General Whitelocke, but not to him.

*The letter read as follows:*

Sir,

It is my decided opinion, that a bombardment of the town of Buenos Ayres would have been attended with fatal consequences to the British prisoners.

I have the honour to be, your most obedient faithful servant,

D. PACK,
Lieut. Col. 71st Regt.

To Lieut. Gen. Whitelocke, Commander in Chief of the British forces in South America.

*Judge Advocate.*—Be so good as to state again what you have just now said to the Court.

A. General Whitelocke, on the morning after I came

to the Plaza de Tauros, asked my opinion on the subject of the preceding question, and whether I had any objection to give him that opinion in writing. I said, No, certainly not; but at the time of writing it, seeing other opinions, stating that the lives of the prisoners would have been much endangered from the exasperated state of mind of the inhabitants, if any renewal of the attack took place, I thought, in candour, that I owed it to myself personally to apprise General Whitelocke, that my opinion solely alluded to the bombardment.

Q. Was that letter written by the desire of General Whitelocke?

A. I stated so.

Q. You stated it was written for General Whitelocke; was that letter which you acknowledge, written at the desire of General Whitelocke?

A. Certainly.

Q. The date is the 8th?

A. It was written the morning after I got to the Plaza de Tauros.

Q. The morning after the treaty?

A. I do not know whether the treaty was then signed or not.

*Judge Advocate.*—I shall show it was written after the treaty, which is dated the 7th, and which I am about to put in.

Q. Was it after the exchange of prisoners?

A. Yes, it was after I had been exchanged. I beg to remark, that I had in my perfect recollection, when the question was asked me, the opinion I had given. I did not avoid stating that, perhaps my opinion was different from others of better judgement; because I have entertained that opinion at other times, when those well acquainted with the subject, entertained a different one.

*Questions by the Court.*

Is there any thing so peculiarly bad in the climate of Buenos Ayres at the season of the year when you were before it, as to render it very inconvenient for troops to keep the field?

A. I entertained and expressed the greatest apprehen-

sion on account of the weather; and certainly had I given an opinion previous to the army disembarking, it would have been, to have waited till a more favourable opportunity. There is nothing in the climate so bad at any time as to prevent troops keeping the field; but there are particular periods when there falls a deluge of rain, one of which was just then approaching.

Q. Is the climate the same in the river Rio Plata, as it is in the same latitude on the opposite shore upon the coast of Africa?

A. It is exactly the same.

Q. How soon did the rain set in at Buenos Ayres last July?

A. There was very heavy rain, I think, on the night of the 2d, and the morning of the 3d; but it did not continue so long as it usually does at that period of the year: it generally sets in at the new moon, about the 20th of June. There was a question put, whether the letter was written by the desire of General Whitelocke? I should wish to answer it in these terms, At his request.

Q. Supposing the post of Colonia had been retained, might not a sufficient number of cattle have been collected to have supplied the army before Buenos Ayres for a given time?

A. Yes.

*The witness withdrew.*

*Judge Advocate.*—I wish now to put in two pieces of evidence which must appear upon the minutes. One is a letter written to General Liniers, upon the 6th of July; and the next is a copy of the treaty which appeared in the Gazette. I produce copies from the originals in the Secretary of State's office, sent by General Whitelocke.

Sir, Plaza de Tauros, 6th July, 1807.

I have the honour to state to you, that when I received your letter, I was just setting off for this place; and presume, by the recommencement of your fire of artillery, that you are not disposed to agree to the cessation of arms which I proposed.

Feeling so sensibly as I do for the sufferings of the unfortunate men who, having been wounded, may want relief, I propose to you that all firing should cease whilst I send an officer to you

of rank, Major-General Levison Gower, who will explain the terms on which I propose to meet the views expressed in your letter.

JOHN WHITELOCKE.

*The Treaty, dated the 7th of July, was read. (See Appendix).*

*The Honourable Lieutenant-Colonel Henry Cadogan sworn.*

*The third charge was read.*

*Examined by the Judge Advocate.*

Q. I believe you commanded a division of the left wing of the light brigade on the day of the attack on Buenos Ayres.

A. I did.

Q. Describe the operations of the division under your command, from the period at which you first separated from Lieutenant-Colonel Pack, during the remainder of the day of attack.

A. I proceeded as far as the west side of the buildings of the Jesuits' College without any considerable loss of men; when, in bringing up the light 3-pounder which was attached to my column, in order to force an entrance into the principal gateway, the enemy suddenly appeared in great numbers at every window and at the top of this building, and from the barracks, on the opposite side of the street, and at the end of the street, with some ordnance. On a sudden the whole of the leading company of my column, and every man and horse at the gun were killed or disabled. It was absolutely impossible to possess ourselves of this very eligible situation, and equally impossible to penetrate further up the street. I was therefore necessarily obliged to fall back, and throw myself, with about 140 men, into a house about 140 yards removed from the Jesuits' College. The remaining part of the column dispersed into several houses adjoining, and those who were unable to enter, were generally killed or wounded. After having held some conference with Colonel Pack, respecting my remaining in so bad a post, I thought it my duty to detach an officer and ten men to communicate with General Craufurd's column, respecting

the post I then occupied, and the consequences which might result from his approaching the town in the same manner. I have since learnt that every man of this detachment was either killed or wounded in opening this communication, and that the officer with great difficulty escaped. I defended this post for nearly three hours, with the loss of a serjeant and 14 men killed, five officers and 82 men wounded. An officer from the enemy then appeared with a flag of truce, which I conceived could have no other object than an offer to surrender the troops which had been immediately opposed to me; and having consulted the other officers of my division, I agreed to give them a parley. The firing from the top of my post was necessarily ordered to cease, and availing themselves of this circumstance, the enemy poured in numbers round my post; when, finding that from the few men I had left effective, and the overpowering numbers of the enemy, that any further resistance was vain, I surrendered with the concurrence of the rest of the officers. Myself and the other officers were marched, under an escort, to the fort, and the men, who were able to leave the house, were carried off to some prison.

Q. Can you state the original strength of your division?

A. It would be extremely difficult to state that accurately, from the circumstance of the tail of our column not being sufficiently up at the end of the street, from the extreme badness of the roads, and the impediment the gun had created; but I should conceive we had pretty well up in the column, when I was at the Jesuits' College, to the amount of 250 men, 140 of which only I was able to get into the house; it would not hold more. The rest I was obliged to desire to disperse, and get into any other houses and protect their persons as well as they could.

Q. Does that number of 250 include the artillery?

A. No.

Q. What number of artillerymen were there attached to the gun that accompanied your column?

A. I think there were a serjeant and four men, beside the three gun-drivers.

Q. State, as accurately as you can, the numbers in

your division which remained alive at the time of your surrender?

A. I can only answer as to the post occupied; deducting the killed and wounded from them, there were about 40 men able to march: there were 15 killed.

Q. At what time did you surrender?

A. To the best of my knowledge, about eleven.

*The witness withdrew.*

*Lieutenant-Colonel William Guard sworn.*

*The third charge was read.*

*Examined by the Judge Advocate.*

Q. Did you command the 45th regiment on the 5th of July?

A. I did.

Q. Describe the operations of that regiment from the period at which you commenced your march in the morning till the time when you gave the command, which I believe you did, to Major Nichols; and state the operations of that division with which you marched from the Residentia, till the period of your junction with Brigadier-General Crawfurd.

A. Having previously occupied the roads, by which we were to enter the town, I moved forward at day-break, in the morning of the 5th of July, with the 45th regiment in two columns, consisting each of four companies, retaining the command of the right wing myself, while, the left was under the direction of Major Nichols. Having proceeded about three quarters of a mile, the columns met together, in consequence of the junction of the two roads, and I was under the necessity, in conformity with my orders, to make a considerable detour to my right, by which means I did not reach the Residentia, the post I was ordered to occupy, until three or four minutes after the left wing, under the command of Major Nichols, whom I found in the act of breaking open the doors of that building. My loss in reaching that post was but trifling, having three men only killed. Perceiving some houses in the vicinity, and nearer the banks of the river,

which I considered it advisable to possess myself of, I moved forward with my wing, and selecting three of them, left a company in each, and returned to the Residentia with the grenadiers. Hearing a considerable firing on our left, I desired Major Nichols to make the necessary arrangements for the occupation of the Residentia, and acquainted him that I would take the grenadier company with me and reconnoitre the position of Brigadier-General Craufurd's brigade, and return to him immediately. I accordingly returned by the street by which I had entered the town, and turning to my right, I came into one which led directly towards the great square, and proceeded about 30 or 40 yards, when I came to a very large house which I thought it would be prudent to occupy with a small detachment. I therefore proceeded to break open the door; but finding it very difficult to effect, I sent back my Adjutant with a few file to the Residentia, for the purpose of obtaining the assistance of tools which were left there. He had scarcely returned, when I was joined by a piquet of the regiment which had missed me in the morning, and had entered the town with the light battalion, the officer commanding which brought me General Craufurd's orders to charge down the street with the grenadier's company, supported by the piquet. I accordingly did so, and met for some little time with no other opposition than the discharge of a heavy piece of ordnance twice, which was posted at the upper end of the street. As I advanced, however, towards the centre of the town, I found the tops of the houses crowded with the enemy, and they opened a smart fire of musketry on us as we passed. When I had got about half a mile, finding the men considerably out of breath, and that great difficulty occurred in our moving forward, from the increased fire, I drew off my men into a street on my right, and seeing Colonel Pack, with some of the light battalion approaching towards the church of St. Domingo, I crossed the street on purpose to consult him, as, from his local knowledge, he was perfectly acquainted with our situation as to the practicability of any further advance through the street leading towards the square. He told me that it would be impossible for me to reach the square without the loss of the greater part of

my detachment; I therefore returned to it, and found Brigadier-General Craufurd with several companies of light infantry and riflemen, together with a field-piece, in the same street with my men.

Q. I believe you remained under Brigadier-General Craufurd's orders for the remainder of that day.

A. I did.

Q. From whom, and at what time, did you receive orders to possess the Residentia?

A. On the 4th, from General Gower, as well as I can recollect, I received my instructions.

Q. Were those orders included in the original plan of attack, or were they communicated to the officer leading the columns to your left, whose operations would naturally be connected with yours?

A. They were not included in the general instructions, they were given me verbally. I have no knowledge as to the communication being made to any officer who commanded the columns on my left.

Q. At what hour did you arrive at the Residentia, as accurately as you can state?

A. About 7 o'clock, as near as I can guess.

Q. Describe the position and strength of the Residentia.

A. It appeared to me to be a very strong building; but, as I did not enter it, I cannot give a very accurate description of it.

Q. How soon did you march with the grenadiers to form a junction with Brigadier-General Craufurd after your arrival?

A. Immediately on my arrival, after taking possession of the three houses before mentioned: I had no intention of joining General Craufurd till I received his orders to that effect.

Q. Had you received any orders from or through Lieutenant-General Whitelocke, as to the future operations of the regiment under your command, after having taken possession of the Residentia?

A. I did not receive any orders: I conceived that we were to maintain that post.

*Questions by Lieutenant-General Whitelocke.*

Q. Do you recollect my having asked your opinion, after your release on the 8th, as to the truth of the representations that had been made to me relative to the situation of the prisoners, and the danger to which they would be exposed from the exasperated state of the inhabitants, had the town been bombarded?

A. Lieutenant-General Whitelocke did ask me my opinion, and I gave it, that the prisoners would have been in a very dangerous situation.

Q. Is this the copy of the opinion you gave to Lieutenant-General Whitelocke?

A. I have the original in my pocket; this is a copy.

*Letter read as follows:*

Sir, July 8, 1807.

In answer to your inquiries this morning, I cannot have the least hesitation in declaring, that it is my opinion, as well from what I saw as from the reports I heard while I was a prisoner with the enemy, that had the town been bombarded subsequent to our capture, so little were the troops of the enemy or the inhabitants of the town under control of their officers, that the British prisoners would have fallen a sacrifice to such a measure.

I have the honour to be, Sir,
Your most obedient humble servant,
WM. GUARD
Lieut Col. commanding the 45th Regt

Lieut. Gen. Whitelocke, Commander in Chief of the Forces in South America, &c. &c. &c.

*The witness withdrew.*

*Lieutenant-Colonel Nichols called in again.*

*The third charge was read.*

*Examined by the Judge Advocate.*

Q. You commanded, I believe, the left wing of the 45th regiment on the day of attack.

A. I did.

Q. Describe the operations of that wing from the time at which you separated from the right wing till the period of your arrival at the Residentia, and all that passed from that time till you evacuated that post.

A. The wings of the regiment never joined until the arrival of both at the Residentia. Of the operations till the middle of the following day, the 6th, my public letter to General Whitelocke will give an account. I have got a copy of that letter.

*Judge Advocate.*—If Major Nichol's giving this letter in as part of his narrative, is not objected to by General Whitelocke, there is no objection to its being now read as the answer to the question.

A. As far as it relates to; it does not take up the whole of the time: it was written in the middle of the 6th.

*It was read as follows:*

*Copy of an official report made by Major Nichols, of the 45th regiment, of the operations of that corps on the 5th and morning of the 6th of July,* 1807.

Sir,

According to the orders received, I occupied the Residentia de Burbones before the advance of the right column under Lieutenant-Colonel Guard, who, on finding that, advanced rapidly with the grenadiers up the Calli de with an intention of communicating with Brigadier-General Craufurd, from whence I awaited his return.

I possessed myself, in a very short time, of all the adjoining houses of consequence, and cleared all around me of armed soldiers, though much annoyed at times by snipers.

I awaited with anxiety the return of Lieutenant-Colonel Guard, or some orders from General Craufurd. These events not occurring, and the Calli de being occupied in great force by the enemy, I judged it consonant to my orders to protect the right flank of our army, by stationing my seven companies in the Residentia, which is a very large building and completely commands the principal retreat in this quarter.

I had a hope that we should have joined some other columns, particularly as at noon yesterday an union was hoisted on a large building 7 or 800 yards in our front: to this I did not advance, as they appeared to retain their position very well, and our colours being in view, they could have retired, if necessary, under the protection of this column. To my great mor-

tification that colour was withdrawn about three P. M. and has not flown in our view since.

This morning all intercourse has been much more difficult, and the enemy had pressed more upon us, but always retreated before our parties.

Yesterday we took possession of two brass four-pounders spiked, but the ammunition I have luckily procured, and shall, I believe, have them drilled this morning.

Captain Whittingham arrived to day with the 40 grenadiers about one o'clock P. M. and whilst in communication with Major Tolley and myself, the discharge of a piece of cannon announced the approach of a body of the enemy which was very soon after made certain by messages from the advanced post under Captain Drew's command.

The piquet flew to arms, and the reserve followed with great alacrity: in ten minutes from their discharge we charged them in columns of sections, and sustained but very little loss in capturing the two brass six and a half inch howitzers with which they were rapidly advancing. Following somewhat further we secured their limbers, with which we leisurely retired to the Residentia. One of those pieces being hastily spiked, I hope to drill it before morning.

The men have behaved like Britons; and, your Excellency may rely on it, will continue to do so.

Our loss is very trifling; in all but seven or eight killed, including some of Lieutenant-Colonel Guard's column, as many wounded, and five missing.

Major Tolley led us on in very excellent style: my dispositions have been the result of our joint opinions, and we have no doubt of being able to retain this important situation during your Excellency's pleasure.

By foraging I have most easily subsisted my men; and I have enough for two days for those under my command. Our only want is an artillery officer, and a few men to use the cannon, with which we can completely command the beach and streets, or perhaps assist in any attack which your Excellency may direct against the fort.

I should not have written one line on these subjects, had not Captain Whittingham particularly requested it. I trust your Excellency will excuse the length of this detail.

The enemy have lost in all, in this quarter, from 50 to 100 men; and humanity has induced our men to make some prisoners.

Major Tolley and myself have held very frequent conversations as to advancing; but, from the uncertainty as to Brigadier-General Craufurd's situation, the enemy's force, the streets being lined, the weakness and lowness of the intermediate buildings, with the great strength of the large churches,

we have not yet thought it advisable to quit this post, which would not be tenable, in our opinion, if thus abandoned by the chief part of this division.

I have the honour to be, with great respect,

Your Excellency's most obedient humble servant,

(Signed) J. NICHOLS,
Major 45th Regt.

Residentia, July 8, 1807.

His Excellency Lieut. Gen. Whitelocke,
Commander of the Forces, &c. &c. &c.

*Judge Advocate.*—In order to connect your evidence with the letter which has just been read, I must ask you, whether that letter was the one which you delivered to Captain Whittingham, to report to Lieutenant-General Whitelocke about two o'clock on the 6th?

A. It is a copy of that letter. Captain Whittingham offered to leave the 40th grenadiers with me; but I declined it, as I thought it was of more importance that he should get safely back to General Whitelocke with the intelligence which he had been able to collect of the situation of affairs in our quarter. In about half an hour after his departure, the enemy collected again, and seemed to threaten a second attack; but their own cannon being discharged upon them, they retired. About four in the morning General Gower sent up two lines to inform me that hostilities had been suspended till further orders. About eleven o'clock General Craufurd came with a similar notification. I wished to have some private conversation with Brigadier-General Craufurd, as to our situation altogether; but the General thought it would be looked upon as improper by General Ellio, the Spanish General, who was with him. I therefore remained in ignorance all that night, of the unfortunate turn that our matters had taken. The next morning, on the 7th, being deprived of the means that I had hitherto used of feeding the men, Major Tolley and myself thought it advisable to make a demand from General Liniers of the quantity of provisions we required; as a reason for which, I told General Liniers, in the note I sent to him, that it was possible, if I sent out any of my men to procure provisions from the adjoining houses, that the troops on both

sides might come to bloodshed again, that quarrels would have arisen between the troops. I stated my numbers at one half more than I had, 600 instead of 400, and received, in reply, a promise that they should be sent; however, none were received, except a very small proportion, which was given to the sick and wounded of the Spaniards as well as our own, till seven o'clock in the evening, when a considerable supply of bread arrived under charge of Captain Baker, I think, of the 9th light dragoons. In the course of the day, about three o'clock, I think, I received a letter from Lieutenant-Colonel Torrens, the Military Secretary, desiring me to halt upon such ground as I might occupy upon the receipt of it till further orders: I had also four communications ordering me to prevent the irregularities which were committing by our side near the Residentia, one contained in that letter from Colonel Torrens, one from Major-General Gower, and two from Brigadier-General Craufurd. Having only a pair of sentries on the outside, I think it necessary to contradict the assertions made in those letters sent to me: indeed a Spanish officer sent to me by General Liniers for that purpose, voluntarily confessed to me that evening, that there was no foundation for such reports, and that they were completely unfounded. We were employed this day, the 7th, in completing our ball-cartridge ammunition.

*Lord Cathcart.*—Q. From what did you complete your ball-cartridge ammunition?

A. From the limbers I took: I had the means of doing it from the canisters: I took them to pieces. On the morning of the 8th I received a verbal message from Brigadier-General Craufurd to evacuate the Residentia and join the main body of the army at the Retiro. As this did not agree with the order of the preceding day, I sent a note to General Craufurd requesting an order in writing to that effect, as also asking what I should do with my prisoners and cannon. General Craufurd gave me a reply which was satisfactory to me; in consequence of which I liberated the prisoners, and joined the army with the four pieces of cannon about twelve or one o'clock.

Q. Describe the position and strength of the Residentia.

A. It occupies a square of about 150 yards one way, by 100 or 110 the other; it is not a regular square. In it were one or two very large chapels, or halls; some very large fine wards in the hospital: it is a charitable institution; one-third of the whole area, or nearly, was an open space, or yard; half of this presents a lofty dead wall to the street, the other half is surrounded by a slighter one, about 10 feet high: it had front and rear entrances, and the roof of the Residentia was not commanded by any adjoining buildings. I believe I have explained it as far as a common building can be described in military terms.

Q. Was it practicable, in consequence of having obtained possession of the Residentia and the adjoining houses, to open a communication to the shore of the Plata?

A. Perfectly so. It borders on the river, and there are not any intervening buildings.

Q. What distance is the Residentia from the shore of the river at its common height?

A. About 250 or 300 yards.

Q. What number of prisoners were taken by the 45th at the Residentia and in the adjoining houses?

A. We had 43 taken in arms, or else from houses from which they had fired, and 150 sick and wounded, whom we found in the hospital on our entrance, not including about 20 Spanish surgeons who were there attending the soldiers that had been wounded in preceding actions from the time we had landed there.

Q. Would not artillery, both in men and guns, have been of service to the regiment under your command, both in regard to obtaining possession of the Residentia, and the retaining of that post when obtained?

A. Certainly of the greatest advantage; and I could have dislodged some of the parties that pressed very much on General Craufurd.

Q. How far is the position at which you were cantoned, on the night of the 4th, from that of the light brigade?

A. Rather more than 300 yards, I should think.

Q. How long were you in marching from your cantonments to the Residentia?

A. About three quarters of an hour. I never looked at

my watch at the time, so that I cannot say exactly. The roads were bad, and I marched slowly.

Q. Did you arrive there about seven o'clock?

A. I should suppose so.

Q. Having arrived at the Residentia at seven o'clock on the morning of the 5th, did you, or did you not, remain there without receiving any order, or having any communication with the Commander in Chief, till one o'clock the next day?

A. I did remain there in that situation.

Q. Would a reinforcement from the reserve under Lieutenant-General Whitelocke, or from the corps under the orders of Colonel Mahon, have afforded you the means of co-operating with the different columns of the army engaged in the attack upon the town?

A. It would have enabled me to have communicated with General Craufurd; which, under circumstances of imperious necessity, I could have attempted with an appearance of success without any assistance, and which I should have done without any aid at all, had there been large houses in the intermediate space which I could have retained.

Q. Do you know of any obstacles arising from the strength of the enemy in that quarter, or from any other circumstance, to prevent such a reinforcement from reaching the Residentia, if orders had been given for that purpose?

A. I know of no serious or material obstacle; I have never heard of any.

Q. State, as accurately as you can, the distance of the cantonments of the light brigade, on the evening of the 4th, which you state to have been about 2 or 300 yards from your own, from the Residentia.

A. About a mile and three quarters.

*Questions by the Court.*

Q. By your saying in your letter that humanity had induced some of your soldiers to make some prisoners; had you at any time received orders to make any apology necessary for making prisoners?

A. Not by any means; I never received any orders to

that effect. It would not require any apology for making prisoners; quite the contrary.

Q. Having stated that you arrived at the Retiro about twelve or one o'clock, at what hour did you leave the Residentia, and by what route did you march to the Retiro?

A. I left the Residentia somewhat after ten o'clock, and marched through the town. The delay was caused by being under the necessity of dragging the cannon through the town by hand; it is very steep and hilly in some places.

Q. If you had known where the Commander of the forces was, would you have tried to communicate with him on the 5th?

A. Not in the morning; I could not have spared force sufficient. In the evening I would have attempted it, had I known that Colonel Mahon was so close to me.

*General Whitelocke.*—Q. From the orders you had received, did you know where the Commander in Chief was to be found during the 5th?

A. It was not specified in the orders I saw; but I should have sent any information or report I had to make to Mr. White's house, from whence, of course, it would have been forwarded by part of the staff.

*The witness withdrew.*

*Rear-Admiral Murray called in again.*

*The third and fourth charges read.*

*Examined by the Judge Advocate.*

Q. When you were last under examination you were desired to produce a letter which you received from Colonel Bourke on the 2d.

A. I sent to the country in order to get it, but the original letter, by some mistake, has been mislaid, and cannot be found; but I have a copy of it, which was enclosed to Captain Thompson, of the Fly, with my letter to him. I will certify it is a correct copy. That was in my own hand-writing which I sent to Captain Thompson, but the copy of the letter is not my writing.

Q. Is this copy of Colonel Bourke's letter to you taken in your own hand, or in the hand of your Secretary?

A. In the hand of my Secretary.

*Judge Advocate.*—It is not strictly legal evidence.

*Lieutenant-General Whitelocke.*—I do not object to it.

*Judge Advocate.*—The letter I am about to offer in evidence, Lieutenant-General Whitelocke not objecting to it, is a copy of a letter which Admiral Murray received on the 2d of July. The letter, which is stated to be written by Lieutenant-General Whitelocke's order, desires the Admiral to proceed from Point Quilmes to the town.

*Admiral Murray.*—To send the transports up.

*The letter read.*

Dear Sir, Reduction, July 2d, 1807.

The General has desired me to communicate to you our plans, and request your assistance in forwarding the service in which we are mutually concerned. He wishes, in the first place, as much biscuit, pork, and spirits, as will supply 1400 men for three days, to be landed immediately, and a vessel containing provisions to be left at anchor near this place.

Our army is now on its march to turn the Rio Chuello, and come before Buenos Ayres from the westward. The General wishes, therefore, that some of your squadron may arrive there in the course of this day, together with the reserve artillery, ships and store-ships, as it will probably be necessary to communicate, and receive supplies, if the country should be driven on our attack, impeded by bad weather, or other causes.

We are in good spirits, though somewhat fatigued.

I remain, dear Sir, very faithfully, yours,

(Signed) RICH. BOURKE, Lieut. Col.
Deputy Quarter-Master-General.

To Rear-Admiral Murray.

*Admiral Murray.*—In my letter to Captain Thompson enclosing that order, the Court will see that I desired him to send the vessels up, as wished for by Colonel Bourke, to the west of the town. The whole of the vessels were not to the westward of the town, but were in the situation best adapted for landing. The letter will explain it.

Q. This is the substance of the orders you gave to Captain Thompson?

A. Yes; but I wish further to state, that in my evi-

dence I stated, in general terms, that the vessels were to the westward of the town. It so happens, that though the river runs east and west, except at Buenos Ayres, the river trenches to the north-west, so that, probably, they may bear a point to the eastward, instead of the west; most of them were to the west, some of them might be a little to the east.

*Judge Advocate.*—It will save time if I read over the evidence of Admiral Murray.

*Here the Judge read the evidence of Admiral Murray.*

*Admiral Murray.*—The Court will observe, that I have spoken in general terms of the transports being to the west of the town. They were not all so, because some had a point to the south; but they were in that situation which was necessary and easy for landing provisions or any thing else: in short, a situation that I would have put them in upon all such occasions. What I mean to infer is, that the river going east and west, except at Buenos Ayres, trenches out to the westward so, that they were above the town.

*Letter read as follows:*

Dear Sir, Nereide, July 2, half past seven P. M.

I have this instant received a letter from Colonel Bourke, the Quarter-Master-General; a copy of which I send you. The letter I wrote you to-day P. M. from the Pheasant, of course is of no consequence; I must, therefore, refer you to the one I wrote from the Nereide this morning, and request you will get to the westward of Buenos Ayres, as the Colonel in his letter mentions that the General means to go that way. I directed, this morning, before I wrote to you from the Pheasant, that the Lady transport, should have bread put on board her from the victualler, and sent to you for the army, in the event of their coming to the westward. I shall now direct the ordnance vessels, &c. as mentioned in Colonel Bourke's letter, to go with her and join you. This contradiction of orders is owing to change of circumstances, which must be expected in these times; but I am convinced, that in all changes, your zeal for forwarding the service, will always be the same.

Believe me, yours faithfully,

GEO. MURRAY.

P. S. When I say to the westward of Buenos Ayres, I only repeat Colonel Bourke's words, but you must be the judge of the spot; I rather think you will not be able to get to the west-

ward yet, particularly with the valuable ordnance ships. You will of course use your discretion.

Captain Thompson.

*Judge Advocate.*—That letter is not strictly evidence, because I ought to bring out the same facts by an examination of Admiral Murray; but if General Whitelocke has no objection to its standing upon the minutes, it will save the time of the Court.

*General Whitelocke* stated that he had no objection to it.

*Judge Advocate.*—Was, or was not, any plan for a combined attack upon the town of Buenos Ayres ever proposed to you?

A. No regular plan of an attack upon the town was ever proposed; but the General himself observed, that he meant to attack from the west of the town, and wished for any assistance that I could give him when there.

Q. Were you ever consulted, or had you any knowledge of the plan of attack which actually took place?

A. None.

Q. Are you of opinion that a combined attack upon the town would have been practicable or expedient?

A. I think it would.

Q. If such an attack had been proposed, what assistance would it have been in your power to have rendered from the ships, the boats of the fleet, and the gun-boats?

A. I think the gun-boats, and such armed vessels as were of easy draught of water, would have been of essential service in the attack in co-operating with the army.

Q. Will you state what passed, from the arrival of the fleet off Buenos Ayres, till the time of the signature of the treaty?

A. The gun-boats, on the 4th of July, were got in near the town of Buenos Ayres; but not then near enough to act. Boats were directed to sound during the day and night, to endeavour to ascertain the depth of water; and Captain Thompson reported to me, that he himself had sounded, and found the channel very intricate, and the soundings very irregular: that he had had, when abreast of the town of Buenos Ayres, and in the situation where

vessels should be placed to act against the town, from 7 to 11 feet water, and in twice the length of the boat, 7 feet again; so that vessels drawing more water could not be depended upon to act. On the 5th, he had, with difficulty, got the gun-brigs and gun-boats in that situation above the town, as to enable him to move down with the gun-boats and two of the armed schooners, to assist in the attack, if necessary: that he had, on the 5th, been employed in landing provisions and spirits for that part of the army commanded by Sir Samuel Achmuty: that he had likewise landed musket-balls: that the situation of that part of the army commanded by Sir Samuel Achmuty, by their marching into the town, prevented him at that time from making use of the gun-boats, lest he should fire upon our own people: that the next morning four of the gun-boats were placed, and opened their fire, in a situation that appeared likely to have effect, and continued firing till a truce was made. The boats were kept there at the time the truce was made, and I think until the preliminaries were signed. I received a letter from Lieutenant-General Whitelocke, requesting to see me. I wish to ask Lieutenant-General Whitelocke, whether he has any objection to my producing to the Court, the letter which he wrote to me upon the 6th.

*Lieutenant-General Whitelocke.*—I have no right, I believe, to object to any thing of that sort.

Adjourned.

## TWENTY-FIFTH DAY.

TUESDAY, MARCH 1, 1808.

*Rear-Admiral Murray called in again.*

*Admiral Murray's evidence read.*

*Judge Advocate.*—Be so good as to produce the letter which you alluded to at the conclusion of your examination yesterday.

*Admiral Murray produced a letter.*

*Judge Advocate.*—General Whitelocke will have the goodness to look at it.

*Letter read as follows:*

My dear Admiral, Plaza de Tauros, July 6, 1807.

I arrived here about an hour since, in order to ascertain what more can be done by the gallantry and exertion of the army under my command; whose sufferings in every way, since I had the pleasure of seeing you, has seldom, under any circumstances, been exceeded.

Of one thing you may be assured, and that is, that South America never can belong to the English. The inveteracy is beyond belief, of every class of inhabitants. I hope you will come here without a moment's loss of time, as I am sending General Gower to Liniers, in consequence of a letter received from him this morning.—Craufurd is prisoner.

I am very truly yours,

JOHN WHITELOCKE.

The four gun-boats have been working with great effect, and if the business goes on, naval assistance, in short, will go a great way towards the accomplishment of our plans.

To Rear-Admiral Murray.

In consequence of the letter I received, I was going from the Staunch gun-brig, where I then was, on shore to the General. Captain Thompson, of the Fly, who came from the shore, informed me he had been obliged to have a guard from head-quarters to protect him to his boat, which guard was returned. It then being dark, and many of the enemy's horse seen near the place of landing, it would not be safe for me to land that night, as head-quarters was some little distance from the shore, and no guard on the beach; I therefore returned to the Nereide, and went to the General the next morning. I found the General at the Plaza de Tauros, on the top of one of the houses. Major-General Gower, Sir Samuel Achmuty, and Brigadier-General Lumley, were there likewise. The General informed me of the situation of the army, and the misfortunes that had befallen it; that he had received the preliminaries of a treaty from the Spanish General, Liniers,

by which the great point was agreed to, that of getting back all our prisoners taken in South America this war, which was a great object, and without which, according to his instructions, nothing he could do would be complete; that better terms could not be procured; that if the business went on, he would expect every assistance from me, which I assured him he should have; but he continued to observe, that it could answer no purpose to go on with it, as South America never could be conquered by the English, as we had not a friend in the country, which the inveteracy of all classes against the English had proved. I told the General, that before these terms should be agreed to, I thought he had better consult with the General Officers upon it. He told me he had already their opinions, which were the same as his, which was, that terms should be signed, as going on could answer no purpose; that he was assured, from good authority, that if hostilities were renewed, that the prisoners, meaning Brigadier-General Craufurd's brigade, would all be put to death. I told the General, he must know more the situation of his army, and what he could do, than I possibly could, but that I could not agree to those terms, without first consulting the next senior officer in command to me then at Buenos Ayres. Admiral Stirling being left with the command of the line-of-battle ships at Monte Video, Captain Bayntun was the next, and with me at Buenos Ayres; I immediately communicated with him, who was then at the top of the same house. I told him what had passed, and asked what his opinion was of the necessity of signing those terms. He told me he thought I could not possibly do otherwise than sign them, for that the General must be the best judge of what the army could do; that if I did not sign, then I must, of course, take all responsibility on myself, for any thing that might happen afterwards, although I could only have to do with the navy. Major-General Gower then explained to me, more fully, the terms that were proposed, as they were written in Spanish, and on asking him if better terms could not be procured, he said, No; that he had endeavoured to get better, but the Spaniards would not hear of it; and that it was even with very great difficulty he had prevailed on them

to let us keep Monte Video for two months, instead of one, which they had at first proposed. Under these circumstances, and believing, from the disposition of the inhabitants, that we should not be able to keep that country with the force then in it, I signed the treaty.

*Judge Advocate.*—Q. Can you state the number of gun-boats, and other boats of easy draught of water, which could have carried guns of any description to cooperate in the attack upon the town, if any plan of a combined attack had been acted upon?

A. Four gun-boats were at Buenos Ayres, and two schooners, which might have been employed in carrying guns, and I think the 24-pounders Spanish guns. Do you mean with regard to the number of guns, or number of vessels?

Q. As far as they apply to the practicability of carrying guns.

A. I believe, altogether, there might have been eight got up. There were four gun-boats, and two schooners, and two more gun-boats were left at Barragon, which might have been brought up. The gun-boats carry a 24-pounder, and the schooners carry, I think, two of the same calibre as bow-guns, and I think carronades in their sides.

Q. How many carronades?

A. I do not remember exactly the number of carronades that they carried; but I think, about six the one, and I believe eight the other. I am not positive of the number they carried, but the bow-guns were the heavy guns, and such as might have been made use of.

Q. Might not the boats and launches from men of war have been fitted up with guns, and employed in the same service?

A. They certainly might have been of service in fine weather, but the changes at that season of the year are so sudden, and a very heavy sea getting up in consequence of the frequent gales, would have made their acting very precarious; for even the gun-boats, which are much larger than the men of war's launches, would have been swamped by a gale on the 2d, had they been up there, instead of being under Quilmes, where the water was much smoother,

for I never, in any river, saw such a sea as frequently happened while I was there, when the wind blew strong, and a weather tide; and I believe that General Whitelocke had not the most distant idea of any assistance from the navy in the attack of Buenos Ayres, after landing at Barragon, except that of being supplied with provisions, if he should be in want of them, and landing the heavy artillery to the westward of the town, and that only on the 2d, when I received his letter; for no doubt, I believe, was entertained by any body, but that Buenos Ayres would have been taken without difficulty.

*General Whitelocke.*—Q. Were not the transports, left at Monte Video, of too great draught of water to carry up; and were not the troops removed from those transports, and doubled up in the others on that account?

A. Two or three were left at Monte Video, and the troops of course removed to others. The Bellona was one, as she was an ordnance transport, having a great deal of ordnance, though she had brought troops from the Cape. The Chapman was another, left on account of drawing too much water. Another small transport was left for being leaky. I do not, at present, recollect any others.

Q. Did you not understand that my reason for not fixing upon any specific plan, was the want of correct intelligence; and that I therefore meant to take the position to the westward of the town, and then communicate with you upon the further operations?

A. I certainly understood from the General, that he should see his way better when he got up to the place, and that his intention was, that he meant to attack from the westward of the town, but I did not understand from him that he expected any assistance from the navy, more than I have before stated; for the General knew that the ships could not be got in there. He requested, when at Barragon, that I would send some transports towards the town, in order to make it appear to the enemy that he meant to attack in another place: but, as I before stated, I do not think that General Whitelocke expected assistance from armed vessels in the attack of the place, but merely to cover the shore for landing provisions, and for

landing troops at the first; for he had frequently expressed that he only wanted me to land his army, and he would answer for the rest.

Q. Did you not always understand that by the westward of the town, the side of the Tauros was meant?

A. I did.

Q. Could the schooners have approached sufficiently near to make any effectual use of their carronades against the town?

A. I think during a part of the flood-tides they might, but they could not remain there, I think, the whole of the tide, and with the wind on shore, they would not be able to get off?

*Questions by the Court.*

*Lord Cathçart.*—Admiral Murray has not stated of what nature the carronades were?

A. I am not certain what guns they had in their sides, the bow-guns are the chief: therefore I cannot positively say as to the carronades they had; but the carronades that were in most of the vessels were, I think, nine-pounders; twelve-pounders I think were the largest to the best of my recollection, but I am not positive as to the metal they had in their sides.

Q. Could you not from the ships have furnished implements that would have been of material use in forcing the barricadoes and doors of the town; and were you at any time applied to, to furnish such implements?

A. Certainly, iron crows might have been furnished from the ships, if they had been required; but I had no application to that purpose, nor did I know that they were wanted.

*Sir John Moore.*—Q. What distance were the men of war from Buenos Ayres on the 4th and morning of the 5th?

A. The sloops of war were never nearer than five or six miles, as they were then lying in 16 foot water; the gun-brigs were above the town, and, I believe, some were a mile and a half, and some too miles from the town, or might be a little nearer. When I say the town, I wish to be understood the shore above the town. On the 5th

they were moved nearer in, and on the night of the 5th, or on the morning of the 6th early, four gun-boats were placed very near the town, and between the Plaza de Tauros and the citadel, and were within point-blank shot of the citadel. The two schooners were likewise moving down at the time the truce was made, one of which had been of service in dispersing by her shot some of the enemy from a church; at least this was reported to me officially by Captain Thompson.

*Judge Advocate.*—I ought to state to the Court now, that after Admiral Murray has spoken to the communication of the report which he had received from Captain Thompson and Captain Bayntun of the navy, that I think I ought in strictness to call those officers to confirm the evidence given by the Admiral. What I am now stating is more for General Whitelocke's consideration than that of the Court. I state that, in point of strictness, certainly I ought to call Captains Thompson and Bayntun with a view to confirm the evidence which Admiral Murray has given of the conversation he has had with, and the report he had from, those officers. At the same time unquestionably it does appear to me that the facts which have been stated by the Admiral, do not require any confirmation, and the circumstances that are material in this case appear to me to be proved; but I ought not, and I certainly have no wish, to debar Lieutenant-General Whitelocke from any benefit which he thinks he may derive from the cross-examination of those gentlemen, an advantage sometimes considerably greater than any which he could derive from an examination of those witnesses in chief. They are now in attendance, and I will call them if Lieutenant-General Whitelocke expresses the slightest wish that I should do so. If he expresses no such wish, undoubtedly it must be taken that the facts stated by Admiral Murray are admitted.

*General Whitelocke.*—I am so completely satisfied with what Admiral Murray has stated, that I do not desire to have any confirmation of those facts.

*Captain Henry William Davenport called in, and sworn.*

*The third charge read.*

*Examined by the Judge Advocate.*

Q. Are you the senior surviving officer of the 6th dragoon guards?

A. I am.

Q. State the orders you received upon the 5th of July last, and the operations of your regiment in pursuance of your orders, from the time you removed from your cantonments.

A. I can only state as to the operations, for I received no orders. Colonel Kington received the orders, and I never heard them from him. On the 5th of July the 6th dragoon guards, under the command of Lieutenant-Colonel Kington, evacuated their cantonments at six in the morning. Some delay was occasioned from Colonel Kington missing his way, and we did not arrive in the entrance of the city till seven o'clock, where we found two troops of the 9th light dragoons, in whose charge were two field-pieces. Lieutenant-Colonel Kington took the command of the troops mentioned, and entered the city; one of the field-pieces being advanced in front of the column, the other left stationary in the rear with 30 men of the 6th dragoon guards and an officer. We advanced as far as the second square without the enemy firing on us; and until we arrived there, the silence of the town struck me forcibly. From that point we advanced under a gradual increasing fire. I must here mention, that about the second square Colonel Bradford, the Adjutant-General, came up with orders for Colonel Kington, the purport of which I am not acquainted with. When we arrived at the fourth square I think, I am certain it was the fourth at least, the enemy's fire became more heavy and destructive than it had been at any former period. The 6th dragoon guards attempted to advance beyond the point. Lieutenant-Colonel Kington and Captain Burrell fell; after which Major Pigot, of the 9th light dragoons, came up to the head of the column, and finding it impossible to ad-

vance beyond the point, was retreating to the right, supposing the street to be intersected at right angles. I suggested to him the propriety of our retreating to the rear, if we retreated at all; in consequence of which he pursued the latter measure. The gun which was in front I ordered to the rear, and we retreated in files, under cover of the houses, beyond the first square, in the entrance of the street, where we found the gun which had been left, in the rear of which were some troops of the 9th light dragoons under Lieutenant-Colonel Witherington, which troops we had not seen on entering the town. At this period Captain Foster, General Whitelocke's Aid-de-Camp, came to the retreating column, to whom I communicated our transactions. He immediately recommended our advancing again to the first square which I had represented to him, and there to take up a position in the houses. This being effected, Captain Foster, from the house which I occupied, it being a very commanding situation, reconnoitred from its top; and it was there we first saw the British colours flying on the Plaza de Tauros to the left, and to the right in a position we then conceived to be the Residentia; but the latter point was by no means ascertained. Colonel Bradford then came to the post, which he expressed to me he considered as tenable, and after reconnoitring every part of it made the following arrangements: a piquet of 80 men at the further extremity of the square, and the two field-pieces placed opposite the only two entrances to this square. He again reconnoitred the situation in the evening, to the best of my recollection Captain Foster was with him; I cannot be positive, but I think so; and observing a very large church within 50 yards, which entirely commanded the whole of our position, he desired me to take possession of it. We had been a good deal annoyed from this church; in consequence I sent a party of 30 men to Lieutenant-Colonel Witherington with an officer, who, with the 9th dragoons, occupied the position nearest the church. This party Colonel Witherington sent back, and ordered a party of his own regiment to take the church; which was performed. I do not know any thing else that it is necessary to mention, except that our men had been in that situation for two

days, and then I had orders from Colonel Bradford to come out of the town to him, when he communicated to me what had taken place. It is necessary also to mention, that during the whole of the time we were in that position, we were constantly fired at by the enemy's stragglers, who were placed in positions to fire at us when they had an opportunity. Another thing I should mention is, that during the two days we were there we received provisions from the rear from the commissary. I have omitted one circumstance, which is, that we could plainly discern two guns, either in the citadel or in some fort; but those guns played upon us the whole of the time, from the second square. We could not discern where it was, but I have since understood from one of the hostages that they were two large 24-pounders.

Q. At what hour did you commence your retreat?

A. I should imagine about half past nine or ten o'clock, as near as I can guess: I cannot be positive as to the time.

Q. How soon did you see Captain Foster?

A. Immediately on our arrival at the extremity of the town.

Q. How soon after that did you take possession of the house you have described?

A. Immediately, with as little loss of time as possible; about a quarter of an hour.

Q. When did Major Pigot give up the command of the 6th light dragoons, which you state he put himself at the head of as soon as Colonel Kington and Captain Burrell fell?

A. When we met the troops of the 9th, under the command of Lieutenant-Colonel Witherington.—May I ask permission to correct what I have omitted: one strong reason why we were obliged to retreat was, that the enemy were concealed, and we had not the means to force them; we could not get into the houses: the barricadoes were so very strong, that we could not get into them.

*Questions by the Court.*

Q. I wish to ask how the carabineers on the 5th of July were armed?

A. They had their carabines and ammunition.

Q. No swords?

A. No swords.

Q. No bayonets?

A. Yes, carabines, bayonets, and ammunition.

Q. State how many rounds they had?

A. As near as I can recollect, our pouches carried between 30 and 40 pounds. I am not positive. I cannot exactly recollect.

Q. Were they full?

A. They were full, and carried, I believe, between 30 and 40 rounds.

*The witness withdrew.*

*Captain Fraser called in again.*

*The third and fourth articles of charge read.*

*Judge Advocate.*—Before I ask any questions of Captain Fraser, I had better read over one or two questions, with his answers given in his former evidence upon the subject I am about to examine him to.

*Evidence read from the words "What were the arrangements," to the words "to see those orders carried into execution."*

The parts of the orders to which Captain Fraser alludes in that part of his evidence are these:—"The left division "of the 95th is to receive its orders from Colonel Pack, "the right division from General Craufurd; two 3-"pounders to follow these columns. The carabineers to "move up with the cover of two 6-pounders, &c." The first question will be, the orders which you allude to in one of your former answers, with regard to the disposal of the artillery on the 5th of July, applying only to two 3-pounders and two 6-pounders, four pieces in all; state what orders you received with regard to the remainder of the

artillery under your command, and what you did in consequence of those orders, stating in your answer the number of guns you had under your command, and their calibre on that day. I believe I can save you some trouble. Did you not deliver in a return?

A. I have. The return which I have already delivered in includes those guns which were taken on the 2d of July, and which were placed in position. There were besides those four guns mentioned in the orders, two 6-pounders remaining, besides those guns placed in position, and prepared to move, and to follow such orders as might be issued; but no further orders were received in the course of the day respecting the artillery.

Q. What was the position of those two guns?

A. Those two guns were placed immediately near to the guns placed in the position: they were placed perfectly near to the guns which were taken on the 2d; that is to say, near to the guns in the Coral de Miserere.

Q. What part of the Coral—near the cantonments of what part of the army were those guns?

A. It may be explanatory to say, the Coral de Miserere is a small open space, known by that name. They were placed in that part of the Coral—*(pointing to the map)*.

Q. Describe which of the cantonments of the army those two guns were placed nearest to.

A. I declare at this moment that I cannot recollect the cantonment.

Q. How soon did you see Lieutenant-General Whitelocke on the morning of the 5th?

A. Immediately after returning from firing the signal for the assault; probably about seven o'clock, or a little after seven.

Q. Having stated, in a former answer, that you had received a strict injunction from him not to leave his side during the course of the following day, the injunction having been upon the 4th, did you comply with it?

A. From the moment of my first seeing Lieutenant-General Whitelocke on the morning of the 5th of July, I did not leave the side of his Excellency, except in two

instances, when I was, by his orders, sent forward to examine and report to him, whether the Spanish colours on the fort were struck.

Q. At what period of the day, as well as your memory will enable you to state, did you receive those orders; and how long were you absent from Lieutenant-General Whitelocke, in each of those instances, in executing them?

A. I received the first order probably between two and three o'clock in the afternoon, and was at that time absent certainly not half an hour. I received the second order probably a little after three, and was then absent full half an hour.

Q. I believe the cannons which gave the signals for the attack were quite in the centre.

A. They were so.

Q. It was there you first joined Lieutenant-General Whitelocke.

A. I first joined Lieutenant-General Whitelocke in the Coral de Miserere, near those pieces of artillery which I have just been speaking of.

Q. Having stated that you remained by Lieutenant-General Whitelocke's side, by his express injunction, during the whole of the day, except for about one hour, when you left him in consequence of two orders that you received; state, as accurately as you can, where General Whitelocke was during that day, beginning from the spot where you first joined him.

A. Lieutenant-General Whitelocke was in the Coral de Miserere the whole of the day, except for a short interval, when, as I understood, his Excellency retired to Mr. White's house for a very short interval, about two o'clock in the afternoon.

Q. How large is the Coral de Miserere?

A. It is understood to be about 500 yards in length one way, and about 600 the other. It is a term which applies to a quarter of Buenos Ayres; it is an uncertain open space.

Q. State how Lieutenant-General Whitelocke was employed during this day. Was he riding or walking?

A. His Excellency was first on horseback; subsequently dismounted, and remained in general dismounted

during the remainder of the day; and, in general, within 30 yards of the house which had been the head-quarters of the second in command.

Q. Is the Coral de Miserere upon such an eminence that the streets of Buenos Ayres can be seen from it, and the march of the invading columns?

A. The immediate entrance into Buenos Ayres, at the distance of about 350 yards, or rather from that particular house I have last mentioned, or at the immediate end of the Coral de Miserere, is higher ground, so that you cannot see the entrance of the town; nor, excepting in such an open space as the Coral de Miserere, can you in any point of the suburbs see above 150 yards, owing to the intersections of the squares, and the high hedges of the orchards.

Q. If I understand the answer to that question, it is, that neither the streets of Buenos Ayres, nor the march of the invading columns could be seen from the position where Lieutenant-General Whitelocke was that day.

A. Certainly they could not be seen.

Q. Then as Lieutenant-General Whitelocke did not move from the Coral de Miserere the whole day, except for a short interval, when he went to Mr. White's house, and could not see any thing of the operations of the army, and you were the whole time with him, with the exception you have stated; how was he employed?

A. In the early part of the day his Excellency sent forward, in the centre, some of his personal staff, to bring him information of what was going on. Towards the middle of the day, a communication was opened with the brigade on the left. The officer who opened that communication, I think, returned between one and two o'clock, and in consequence of that communication from Sir Samuel Achmuty, a small party of artillerymen were sent to the Plaza de Tauros.

Q. How soon after you joined him in the morning, did Lieutenant-General Whitelocke give any orders, and what were those orders?

A. I think that very soon after my joining him, his Excellency sent some of the staff, as I have already stated,

into the centre. Their orders, I understood, generally were, to bring information from that particular quarter.

Q. Were the orders to his staff upon this subject given at once, or at different times?

A. In several repeated instances.

Q. Beside the orders to his staff upon this subject, state what other orders you heard him give on the morning of the 5th.

A. I presume that the communication with the left was, by the immediate orders of his Excellency; but I cannot recollect his sending the officer off. I have no doubt, however, that the officer went in obedience to orders issued by General Whitelocke.

Q. I wish you to recollect, if you can, all the orders that took place in the course of that day.

A. In the early part of the day, on my return, and on my immediately joining General Whitelocke, a part of the 9th dragoons, dismounted, were formed immediately in the rear of the pieces of artillery placed in the position. Those dragoons were subsequently removed to the left of those artillery. Shortly afterwards his Excellency occasionally ordered some of the dragoons, who were immediately about his person, to pursue some fugitive horsemen who had escaped from Buenos Ayres.

Q. What was the cause of that change of position of the dragoons?

A. Those dragoons were formed 30 yards in the rear of the pieces of artillery, as it was said, with a view to protect them.

Q. I am speaking of the dismounted dragoons.

A. Of the same I speak. It appeared to me they were not advantageously situated for that purpose; and, on observing that to his Excellency, I received his directions to desire the officer commanding the dragoons to move them to the left, and in line with the pieces of artillery.

Q. Was there at any time, during the course of that day, an alarm of an attack upon any part of the reserve?

A. If I understand by the term reserve, such troops as were at the Coral de Miserere, it appeared to me probable;

and it was strongly impressed upon my mind, that as the town of Buenos Ayres was attacked by both flanks, but not immediately in the centre, that, during the course of the day, the great mass of fugitives would attempt to rush out by the centre; but I do not recollect any particular alarm during the course of that day.

Q. Do you mean to say, there was no alarm of an attack upon the post Lieutenant-General Whitelocke had that day?

A. I do not recollect any particular alarm: there was a scattered firing, as usual.

Q. You state, you do not remember any alarm of an attack in particular.

A. There was a considerable deal of scattered fire from those very 9th light dragoons we have been speaking of, at fugitive horsemen; but, with the exception of that, I do not remember any.

Q. Do you mean to say, that you do not remember any thing more than a scattered fire?

A. Yes, I do mean to state that.

Q. You stated, you heard no alarm of an attack "in par-" ticular:" do you mean, by stating that you did not hear any alarm of an attack "in particular," the Court is to understand that there was no such alarm of an attack as to induce Lieutenant-General Whitelocke to give any orders upon the subject?

A. We are speaking of the reserve placed at the Coral de Miserere; there certainly was no such alarm as to make it necessary to give any orders, with the exception which I have already stated, of occasionally sending a few horsemen to pursue fugitives.

Q. By the reserve, I understand all the troops that did not appear in the town in the invading columns.

A. By the reserve I understand those troops stationed in the Coral de Miserere only: the troops that entered the town, composed two flanks; the troops in the centre cannot be said to attack; they were to retain a position; they did not therefore, strictly speaking, belong to the reserve. They were in the town.

Q. When I make use of the term reserve, I mean all the troops who did not form a part of the invading column,

in which I include the 6th and 9th dragoons; and then I ask, whether there was such an alarm of an attack upon any part of the reserve as to induce General Whitelocke to give any orders upon the subject, during any part of that day?

A. I do not recollect there being any such alarm.

Q. Was there, or was there not, any such alarm as to lead you to give any opinion to Lieutenant-General Whitelocke upon the subject?

A. There was no alarm; but I did repeatedly express to General Whitelocke my fullest idea, that a great mass of fugitives would rush out of the town, and by the centre; it was my advice, therefore, as an artillery officer, that General Whitelocke should remove from the immediate front of the battery to either flank. His Excellency was so well situate in the front of that battery, so as to be free from it; there was no alarm, but it seemed so probable that the great mass of fugitives would endeavour to escape from Buenos Ayres by the centre, that the guns placed in that position would be immediately required to play; and I did therefore repeatedly request his Excellency Lieutenant-General Whitelocke, to remove from the immediate front of the battery to either flank, that the front of the battery might be open.

Q. Was that the only advice and opinion you gave upon the subject?

A. It was upon that particular subject the only opinion.

Q. Can you state any other order which you recollect having heard Lieutenant-General Whitelocke give in the course of that day?

A. I think towards the beginning of the afternoon Lieutenant-Colonel Bradford was sent to the centre with some orders, the import of which I do not know.

Q. To save the Court time and the trouble of hearing so many questions, you stated Lieutenant-General Whitelocke remained in the same position the whole day, of course it is important to know how he was employed, I have desired you to state all the orders he gave, and the manner in which he did employ himself during the whole of that extraordinary day. State all you recollect, the fact standing that you joined him at seven o'clock in the

morning, at this spot of five or 600 yards square, where you remained till between five and six o'clock in the evening: every hour that you can recollect state how he was employed, hour after hour?

*A member.*—Captain Fraser has gone on as far as three o'clock; perhaps if he goes on to four, five, and six, he will recollect by going hour after hour.

Q. How was Lieutenant-General Whitelocke employed during the whole of the day of the 5th of July?

A. With the exception of those particular orders which I have stated, his Excellency was walking backwards and forwards, occasionally issuing his orders, and anxiously awaiting the issue of the assault.

Q. Is that all you can remember of the employment of Lieutenant-General Whitelocke during that day?

A. I am convinced I do not understand the questions in the same point of view in which you understand them. I do mean to say that his Excellency was employed no otherwise than in walking about, expressing anxiety respecting the issue of the assault, except occasionally giving those orders.

Q. At what time did you leave the Coral de Miserere, and did you accompany Lieutenant-General Whitelocke to head-quarters?

A. I left the Coral de Miserere, as I believe, about half past four, and did accompany Lieutenant-General Whitelocke to Mr. White's house at head-quarters.

Q. How far is Mr. White's house from the Coral de Miserere?

A. From the immediate part of the Coral de Miserere where we had been standing, about 600 yards.

Q. Is Mr. White's house so placed as to have more view of the town than you have described the Coral to have?

A. I should imagine that the ground upon which Mr. White's house stands, is rather higher than one part of the Coral; but from neither is to be had any good view, because it is intercepted by hedges every 140 yards. You can see the tops of the houses and churches, but not the streets.

Q. Can you see the tops of the houses only?

A. The tops of the houses and high buildings.

Q. That applies equally to the Coral and Mr. White's house, as I understand?

A. Yes: immediately from the end of the street there are houses on both sides the way; at Mr. White's house there are only houses on one side the way.

Q. At the time when you left the Coral de Miserere, as you stated, at half past four with General Whitelocke, had any, and what, information been received by him, whether the light brigade under Brigadier-General Craufurd, and the 45th under Colonel Guard, had been defeated or cut off, or succeeded in their respective objects?

A. No information had been received, or was received, in the course of that day: the first information was on the morning of the following day.

Q. After you arrived at Mr. White's house, did you remain with Lieutenant-General Whitelocke?

A. I did remain with Lieutenant-General Whitelocke; and did remain, with scarcely any exception, at his side till his arrival at the Plaza de Tauros, the following afternoon, about one o'clock.

Q. State what passed after you arrived at Mr. White's house, the orders that you heard him give, how he was employed, when you separated for the night, and all that passed during that night.

A. On our arrival at Mr. White's house, some orders were given for the more than usual safeguard and protection of the house.

Q. State what those orders were.

A. Those orders, I think, were, that some of the staff should, with part of the men then in the court-yard, be stationed, during the course of the night, upon the flat roof of the house. There were no other orders which I can recollect. His Excellency sat silent and reserved. I do not recollect at what time I parted with his Excellency that evening, but I laid down to sleep, and did sleep, in an adjoining room.

*A Member.*—Q. What, immediately upon going there?

A. No; some three or four hours after, perhaps. There was some conversation which related to the communica-

tion with the right flank being opened; and it was arranged, as I understood, that early on the following morning that communication should be opened. I mean all the troops acting in the right flank; there were two flanks acting, the right and the left.

Q. Can you tell, from any communication you had with Lieutenant-General Whitelocke, why no attempt had been made to open that communication during the day of the 5th?

A. I cannot tell, from any communication I had with Lieutenant-General Whitelocke, why that communication was not opened on that day.

Q. Was any reason given in that conversation why the opening of that communication would be more easy on the 6th than it had been on the 5th?

A. There were no reasons given. I do not imagine that there were any.

Q. Having stated that you heard Lieutenant-General Whitelocke give no other orders than such as related to the safeguard of the house, and a conversation as to the opening of a communication with the right flank on the 6th; is this all that you can recollect of the manner in which Lieutenant-General Whitelocke was employed during the three or four hours which you state passed between the time of your arrival at Mr. White's house and your separating for the night?

A. Some conversation probably occurred as to the successes or events of the morning; but as the communication with the right flank was the most important, it has made the strongest impression on my recollection.

*To-morrow being Ash-Wednesday, the Court adjourned to Thursday.*

## TWENTY-SIXTH DAY.

THURSDAY, MARCH 3, 1808.

*Captain Fraser called in again.*

*Examined by the Judge Advocate.*

Q. State whether any thing, and what, passed during the night, and from the time you saw Lieutenant-General

Whitelocke in the morning, till you set out to the Plaza de Tauros.

A. I have before stated that I slept that night in the adjoining room to the one in which General Whitelocke was. I think that once or twice in the course of the night General Whitelocke came from that room to the one in which I was; but I do not recollect having spoken to him, or having heard any thing particular, till near day-break in the morning of the 6th. At day-break I left Mr. White's house, and proceeded to the park of artillery in the Coral de Miserere. I was some time occupied there in making the necessary arrangements to see whether all the artillery were prepared; and I think his Excellency soon afterwards came down to the Coral de Miserere, and, dismounting from his horse, walked backwards and forwards near the same spot on which he had been the chief part of the preceding day. I understood that an officer and party had gone to open the communication with the right flank. Some conversation took place with regard to the events of the preceding day; and I think Lieutenant-General Whitelocke, intimating his intention to go to the Plaza de Tauros, his Excellency did desire me to have the two 6-pounders, which were then with the park of artillery, ready to accompany him to the Plaza de Tauros. I think, but I am not sure, that this conversation took place before the arrival of an orderly-serjeant from the Plaza de Tauros, and who was the bearer of communication from General Liniers, which I understood to have been sent to General Whitelocke at the Plaza de Tauros, and to have been forwarded from thence by order of Sir Samuel Achmuty. General Whitelocke, on opening this letter from General Liniers, showed it to me, requesting me to translate it, it being in Spanish. Looking over it, and partly comprehending it, I replied to his Excellency, that I was not sufficiently acquainted with the Spanish language. General Whitelocke then showed the letter to Captain Squire, of the Royal Engineers, who did read, and explain its contents to the General. There were no other officers immediately about the person of General Whitelocke at this instant. Major-General Gower was distant from the General, I think, about 30 yards; he was

more near, I think, than any other officer. General Whitelocke showed the letter to Major-General Gower; and I retired to some distance, that I might not appear to wish to hear the conversation that passed between the two Generals. An answer was written, I think, to this communication from General Liniers. General Whitelocke again intimated his intention of going to the Plaza de Tauros; and, after some delay, the column, consisting of the 9th dragoons, some mounted dragoons of the 17th, some few infantry-men, of what particular corps I do not recollect, did leave the Coral, and did march to the Plaza de Tauros. I think the column marched about twelve, and arrived at the Plaza de Tauros about one that day: of the precise time I am not sure.

Q. Did you examine the guns at the Plaza de Tauros? and if you did, state the number which were then fit for service, or that might have been made so.

A. Immediately upon my arrival at the Plaza de Tauros, I went to examine the position for the erection of such batteries as might be erected against the city of Buenos Ayres; I therefore did not myself examine the guns, but they were immediately examined, and a report of their state was made to me; and there were 11 pieces of ordnance, from 36-pounders to 8-pounders, which were immediately serviceable, of such guns as had been captured at the Retiro; there were besides, at the Coral de Miserere, three guns immediately serviceable, and of sufficient calibre to have been so employed: there were besides, of ordnance, spiked at the moment, but which might have been rendered serviceable, ten.

Q. I do not understand you to have stated the number which might have been rendered serviceable.

A. Ten, beside the fourteen: there were moreover of ordnance embarked from Monte Video, and which I presume might have been landed in the course of a few hours, twelve pieces of ordnance, making a total of 36 pieces of ordnance from 36-pounders to 8-pounders, which last I considered as the lowest calibre eligible for this service. It may, perhaps, be explanatory to remark, that after having examined the Spanish arsenal, that I did report to Lieutenant-General Whitelocke that I possessed

every means for the erection and for the service of such batteries as might be required for the above pieces of ordnance. No exact account of the proportion of stores in the arsenal was taken; but I did then, and do now, confidently believe, that there were not less than 600 barrels of powder; I mean whole barrels, of 90lbs. of powder each.

Q. Who made that report to you?

A. The report with regard to the guns being spiked or not spiked, was made by a corporal of artillery; but I subsequently examined them myself, and found the report to be correct.

Q. What was your opinion, as an artillery officer, of the facility which the possession of the Plaza de Tauros presented towards the establishment of batteries and other military operations against the town?

A. I did consider, and did express my opinion, that the Plaza de Tauros afforded every facility for the erection of batteries against the town of Buenos Ayres; the most eligible situation for their erection having been marked out by Captain Squire and myself.

Q. Were you at any time, and when, consulted by Lieutenant-General Whitelocke upon the subject?

A. Immediately after arriving at the Plaza de Tauros, about one o'clock in the afternoon of the 6th, and after going down to reconnoitre towards the banks of the Plata, from whence the fort was clearly and distinctly visible; and after going from thence to the top of the amphitheatre of the Plaza de Tauros, I was specially ordered to come to General Whitelocke, then at the Retiro. I was asked, in a general manner, as to the power we possessed of ereeting batteries against the city. I replied, that I would run to the arsenal, at the distance of about 300 yards; and, after seeing the resources in ammunition and stores, would give his Excellency a decided answer. I did so; and I did give to his Excellency the following answer: "There is an abundance of ammunition and stores; and "I will pledge myself to your Excellency that between "20 and 30 pieces of artillery shall play upon the town "to-morrow morning." Some objections were started, that some of the heaviest guns were spiked. I replied,

that I would be responsible they should be unspiked. It was observed, that the city could not be set fire to. I replied, that the experiment might be made, and that, in all events, the enemy must be dislodged from that quarter of the city.

Q. What quarter of the city did you mean?

A. That quarter of the city which would be immediately exposed to the fire from the Plaza de Tauros.

Q. State, as accurately as you can, the distance between the Plaza and the fort.

Q. In a straight line, it is about 1650 yards; always taking our ideas from the large Spanish maps, and from the corrections which our subsequent experience enabled us to judge and to form an opinion upon.

Q. Would it, or would it not, have been practicable, by destroying any of the traverses between the line of fire from the Plaza to the fort, to have erected batteries nearer the fort?

A. With a view to the destruction of the fort, it might have been probable that batteries would have been erected on the beach, on the low ground against the fort; but the fort is a contemptible work, which, battered in breach, would have fallen in a few hours.

Q. Must it have fallen in consequence of the fire from the Plaza?

A. No, not from the Plaza; the Plaza would have been a very improper place to have fired from against the fort, in consequence of the high buildings intervening; the fort is low, but there are high buildings intervening.

*General Whitelocke declined asking any questions of Captain Fraser.*

*Judge Advocate.*—Captain Fraser will hear his evidence read, and if there is any thing wrong, he will correct it.

*Captain Fraser's evidence was here read.*

*The witness withdrew.*

*Captain Squire called in.*

*The third and fourth articles of charge read.*

*Examined by the Judge Advocate.*

Q. Did you proceed from the Coral to the Plaza de

Tauros with Lieutenant-General Whitelocke, on the 6th of July?

A. Yes, I did.

Q. What was your opinion, as an Engineer, of the facility which the possession of the Plaza de Tauros presented towards the establishment of batteries, and other military operations against the town of Buenos Ayres?

A. I did think it a very favourable position for the establishment of batteries; and we had ample means, in consequence of the capture of the arsenal belonging to the enemy, of establishing those batteries.

Q. Would it, or would it not, in your judgement, have been practicable to cannonade and bombard the town from the Plaza, with the means you had in your power?

A. I did think the batteries would have been effectual.

*Withdrew.*

*Lieutenant-Colonel Torrens called in again.*

*The third and fourth charges read.*

*Examined by the Judge Advocate.*

Q. Were you with Lieutenant-General Whitelocke during the 5th of July?

A. Part of the day: I was repeatedly absent from him in the course of the day.

Q. State what orders you received from Lieutenant-General Whitelocke during that day as far as your memory will enable you. I mean not only the orders you received yourself, but the orders he communicated to others.

A. It having been reported about nine o'clock that morning, that a body of the enemy's cavalry had formed in our rear, Captain Whittingham and I went by the General's desire to reconnoitre; we took 16 mounted dragoons and about 30 dismounted men of the 9th dragoons. On proceeding a little way, I found that this force was more considerable than I imagined, and I sent Captain Blake the Assistant-Adjutant-General to report that I thought it my duty to pursue them. We were absent on this duty

about three hours, when we returned to the Coral, having succeeded in dispersing this force which might have consisted of about 300 horse. About three o'clock General Whitelocke desired that I would write a note to Colonel Witherington, who commanded in the centre, to express his surprise at having been told that our men were plundering the abandoned houses, and ordering him to use every exertion to prevent such irregularity. About this time, Captain Whittingham returned from having reported Sir Samuel Achmuty to be in possession of the Plaza de Tauros.

Q. Were you present when Captain Whittingham received his orders from General Whitelocke?

A. I was. The General desired I would write to the Brigadier-General, ordering him to maintain his position, and remain on the defensive until he joined him the next morning: those were the only orders I received.

Q. I wish to know whether you were present at the time Lieutenant-General Whitelocke gave his orders for Captain Whittingham to proceed?

A. I was.

Q. Before you state what was done in consequence of that report, I wish you to state all that passed, if you were present, between Captain Whittingham and Lieutenant-General Whitelocke, on the subject of those orders in consequence of which he set out.

A. Captain Whittingham, myself, and some other officers of the staff, were walking together on the Coral a little after two o'clock; Lieutenant-General Whitelocke came up, and said he did not like to order any person, but would feel himself obliged to any officer who would go to the left and bring information relative to Sir Samuel Achmuty's situation. Captain Whittingham immediately offered his services; and he was desired to collect what he thought a sufficient escort. There were no further orders given to Captain Whittingham that I heard.

Q. Were you present when Captain Whittingham made his report?

A. Yes, I was.

Q. State with what escort he went, and what his report was.

A. Captain Whittingham took 10 or 12 dragoons, and 30 or 40 infantry, I think; I cannot speak with any precision. I understood from him that he proceeded from the Recollata as a marked point, and then turned to the right, and felt his way to the Plaza de Tauros, where he found Sir Samuel Achmuty posted. There were a great many armed people in the way; and he was repeatedly fired at. Having cleared the hedges with his infantry, there was no difficulty whatever in his progress. Captain Whittingham thought it so essential to bring a report to the Commander of the forces without loss of time, that he left the infantry at the Plaza de Tauros, and galloppped back with the dragoons. He reported Sir Samuel Achmuty's success, having taken 30 pieces of cannon, above 600 prisoners, the arsenal containing stores and ammunition, and had opened a communication with Captain Thompson of the navy, who commanded the gun-boats. The Brigadier recommended that the Commander of the forces should move the head-quarters to the Plaza de Tauros that night. To the best of my recollection this is the whole purport of Captain Whittingham's report.

Q. Did Captain Whittingham state to General Whitelocke what time it had taken him in going and returning to the Plaza de Tauros; and at what hour did he make his report?

A. He made his report about a quarter before four o'clock; I cannot be accurate as to the time. And he did not in my presence, or within my hearing, make any report as to the period he had been on the march.

Q. I understood you to say he received the orders to march to Sir Samuel Achmuty about two o'clock.

A. About a quarter after two, and made his report on his return about four, or perhaps before that.

Q. You were proceeding to state the orders you received from Lieutenant-General Whitelocke, in respect to some artillerymen: state what that was.

A. I should have stated that Sir Samuel Achmuty expressed a great want of artillerymen; and a detachment of about 30 was sent to him some time after Captain Whittingham arrived at the Coral.

Q. State any other orders you heard given.

A. No other orders whatever did I receive, or hear given in my presence.

Q. When Captain Whittingham made his report to Lieutenant-General Whitelocke, did Lieutenant-General Whitelocke give any, and what, reason for not complying with the wish Sir Samuel Achmuty expressed, that he would repair himself to the Plaza that evening?

A. I understood that General Whitelocke would not quit the centre until he received a report from the right flank, particularly from Brigadier-General Craufurd.

Q. With the exception of this order to Captain Whittingham, given about two o'clock on that day, do you know of any other attempt having been made by Lieutenant-General Whitelocke, personally or otherwise, to co-operate with and support the different columns of the army?

A. When I returned from the pursuit of the cavalry, which I have related, I heard that, during my absence, the carabineers and a detachment of the 9th light dragoons had been pushed up one of the central streets, and repulsed with loss. About half past one o'clock the Brigade-Major Cossley was sent with two or three dragoons to endeavour to feel his way to the right; but he returned in a few minutes, reporting it to be impracticable. I am not acquainted with any other attempts towards co-operation.

Q. Do you know the amount of the force composing the reserve of that day? By reserve, I mean that part of the army which did not form any part of the column engaged in the attack, or the corps under Colonel Mahon.

A. There were about 1050 or 1100 men of the troops you allude to; but I include in that number, near 100 men attached to the commissary department, and 180 left by the different regiments in charge of the knapsacks.

Q. Did you quit the Coral with General Whitelocke on the evening of the 5th?

A. When it became dark I quitted the Coral with General Whitelocke and the rest of the staff.

Q. When you stated that you had not heard Lieutenant-General Whitelocke give any other orders than those

you have mentioned, did you mean to include what passed at Mr. White's house?

A. No. I heard General Whitelocke, some time after I arrived at Mr. White's house, give orders to his Aids-de-Camp to keep watch at the top of the house, and to relieve each other every hour, or every two hours, I don't know which; that was the only order I heard that night. I beg leave to say, that the Lieutenant-General may have given many orders without my knowledge: I was frequently absent from him.

Q. Do you, or do you not, know of any reason which prevented Lieutenant-General Whitelocke from giving any other support or co-operation to the different columns of his army engaged in the attack, personally or otherwise, during the 5th?

A. Not having had any conversation directly or indirectly with General Whitelocke in the course of that day, upon the subject of the attack, I am not acquainted with any of the motives by which he was actuated. I had understood that the Lieutenant-General waited for reports from the different columns, before he decided upon any and what co-operation.

*Questions by Lieutenant-General Whitelocke.*

Q. Do you remember it being reported to me that three of our colours were seen flying, one towards the centre of the town, and our men upon the top of the building on which the centre colours were flying?

A. I do remember such a report being made by Captain Foster, and I saw the colours alluded to myself, from an advanced situation.

Q. Do you remember our receiving, in the course of the 5th, and at what time, information of the colours of the fort having been struck?

A. A little past one o'clock some person from the front reported that the Spanish colours at the fort had been struck: I went forward myself, and saw with my glass that they hung only about the flag staff, the day being remarkably calm.

Q. Had you any reason to suppose, from any thing you heard, or any thing that passed, either before or on the 5th, that any of the general officers, or others in command, entertained any doubt as to the success of the attack, or apprehension of its failure?

A. I did not hear, either previously to, or during the attack, any apprehension expressed as to its failure by any of the officers about us.

Q. Do you mean general officers as well as others?

A. Certainly.

*Judge Advocate.*—Q. Was any other artillery officer than Captain Fraser, to your knowledge at the Coral, when the artillerymen were sent to Sir Samuel Achmuty?

A. No other officer was at the Coral but Captain Fraser at that time.

Q. At what hour was that report made by Captain Foster?

A. I did not attend much to Captain Foster's report: I cannot say at what hour he made it. I saw the colours myself at about half past one.

Q. Had not all communication been cut off between the reserve and the attacking columns before that report was made; and could a communication have been opened without an armed force?

A. I believe all communication to have been cut off before that report was made; and I do not think it could have been kept up without an armed force.

Q. Having stated that no apprehension was expressed by the general officers, or others in command, of the success of the plan, were the general officers ever consulted upon it?

A. I was never present at any consultation with the general officers with respect to the plan, with the exception of General Gower, whom I have heard speak to the General on the subject of the plan.

Q. Having stated that no apprehension was expressed by any of the officers during the attack; had not Captain Whittingham reported the total failure of the attack made by Brigadier-General Lumley's brigade?

A. Captain Whittingham reported that Brigadier-General Lumley's brigade had fallen back on the Tauros,

with the exception of the 88th regiment, which had been taken prisoners.

*Judge Advocate.*—There is a point to which I forgot to examine Captain Whittingham, and which it may save the time of the Court if I examine Lieutenant-Colonel Torrens upon, provided he is acquainted with the circumstance; I mean as to the report of Captain Whittingham, who is so ill that he cannot attend to day. General Whitelocke will state whether he has any objection to my examining Lieutenant-Colonel Torrens to it instead of Captain Whittingham.

*Lieutenant-General Whitelocke.*—I have not the least objection.

*Judge Advocate.*—I do not know whether he can state the fact or not.

*Lieutenant-Colonel Torrens.*—Captain Whittingham himself will certainly be here on the next day the Court meets: I cannot, with any precision, give any account of his report; I can give it in general terms, but not with any precision.

*Questions by the Court.*

Q. Did you write or send, by Lieutenant-General Whitelocke's directions, any orders to Colonel Mahon on the 5th of July?

A. None whatever.

Q. Was any information received of or from Colonel Mahon that morning, previous to the attack or subsequent to it; or was it known where he was with the troops under his command during any part of the day of the 5th of July?

A. No information whatever was received of or from Colonel Mahon in the course of the 5th; but it was presumed that he was posted to the eastward of the bridge, in conformity to the orders which had been sent to him the preceding evening.

Q. In the course of the 5th of July was it ever proposed to the General, or did he himself ever propose, to place himself at the head of his reserve, and thus attempt forcibly to penetrate and to place himself in the communication with the divisions of his army, which, in obedience to his

orders, had advanced beyond his sight in the attack of the town of Buenos Ayres?

A. I never heard, in the course of that day, of any such proposition being made either to or from the Lieutenant-General.

Q. Did the General himself ever go forwards to observe, in consequence of any reports which you have stated to have been made to him during the 5th of July?

A. He did not go forward to observe, in consequence of any such reports, during the different periods that I was at head-quarters that day.

Q. Was the impression on the minds of the general officers about him, when you retired to White's house in the evening of the 5th of July, that the attack of the army had been successful?

A. General Whitelocke expressed great anxiety about the right; the impression of complete success was not on the mind of any person present, as we had heard of the capture of the 88th regiment; but great hopes were entertained that a favourable position had been taken up on the enemy's left flank, in consequence of the colour that we had seen flying on our right.

Q. Do you know whether any attempt was made on the 5th, to ascertain if Colonel Mahon received the orders sent to him on the 4th, or to know if he had arrived at the place he was ordered to move to?

A. I do not know of any such attempt having been made in the course of that day. Brigade-Major Cossley, as I before stated, was ordered to proceed to the right at one time, but I am not acquainted with the precise orders he received.

Q. Do you know whether or not the bridge across the Chuello was in possession of the enemy during the time the head-quarters of the army was at White's house?

A. I did not know whether the bridge over the Chuello was in possession of the enemy, but I supposed he could not have remained there, as his retreat would be cut off from the town.

Q. Could it be ascertained, whether the colour you allude to was flying on the convent of St. Domingo or the Residentia?

A. The colours I saw were certainly supposed to be on the Residentia, as they were close down on the river.

*The witness withdrew.*

*The Honourable Colonel Mahon called in again.*

*The third and fourth articles of charge read.*

*Examined by the Judge Advocate.*

*The evidence of Colonel Mahon read.*

*A paper produced by Colonel Mahon was ordered to be entered upon the minutes. (See Appendix.)*

Q. Where did you receive the orders, dated the 5th of July, which I have just read in your evidence?

A. At Reduction.

Q. State what you did in consequence of that order.

A. I marched as speedily as I could, and coming to the bridge over the Chuello, I passed it about five o'clock in the evening of the 5th of July, leaving the rear-guard under the command of Major Gwynne, of the 45th regiment, on the opposite side of the river from Buenos Ayres.

Q. At what hour did you march from Reduction?

A. I believe, about eleven o'clock.

Q. Did you meet with any, and what, obstacles from the enemy in your march from Reduction to the bridge?

A. None, that I recollect, except the badness of the roads, and perhaps a rivulet now and then. None from the enemy.

Q. After this order, which you received at twenty minutes after ten, in the morning of the 5th, did you receive any, and what, orders from General Whitelocke in the course of that day?

A. None.

Q. After the order, stating that you were to take post at a safe distance from the bridge, what reason led you to proceed beyond it?

A. On arriving, as I conceived, at a safe distance from the river and the bridge, I went forward with the Assistant-Quarter-Master-General, Captain Stewart, to reconnoitre; and finding the bridge was not defended, and that

it still remained, I judged it prudent to cross it with the column, leaving the rear-guard on the opposite side of the river; of which I acquainted the Commander in Chief, by letter, as soon as possible.

Q. Had you any reason to know, in the course of the 5th, that the British troops were attacking the town of Buenos Ayres?

A. Yes; I heard the firing commence at half-past six in the morning: I could hear it distinctly, the wind blowing fair to me.

Q. Were the troops under your command, which you have stated, including the seamen, to amount to 1800, in a situation to have co-operated in that attack if you had received orders to do so?

A. They were, with the exception of a very few invalids.

Q. In what situation did the corps under your command, pass the night of the 5th?

A. That part of the force which was not employed on duty, either as piquets or guards, got into cantonments in large and good houses, in the village of Barracka, with the exception of the rear-guard.

Q. What distance is the village of Barracka from the Miserere?

A. I cannot undertake to state the distance in a straight direction; we were ordered to approach it in a circuitous one.

Q. What is the distance from the bridge?

A. The village is quite close to the bridge.

Q. What orders did you receive from Lieutenant-General Whitelocke, in the course of the 6th; and what did you do in consequence of those orders?

A. About eleven, o'clock on the 6th, Captain Whittingham arrived with a company of the 88th, and brought me orders to march to the house that had been the head-quarters of the Commander in Chief, Mr. White's house, near the Miserere. Captain Whittingham left a Spanish prisoner as guide, to show me a circuitous way to get to Mr. White's house, without approaching too near to the town.

Q. Did you march to the Miserere? how long did you

remain there? and when did you march to the Plaza de Toros?

A. I marched to the Miserere, where I did not arrive before sun-set, on the 6th. I remained there on the 7th, and until one o'clock on the 8th, when I received orders to march to the head-quarters at Retiro, which place I did not reach before sun-set, also. It was to the position the army had taken up between the Retiro and the Recollata, the head-quarters of the army.

Q. Were the troops under your command, consisting of 1600 troops and 200 seamen, and the artillery attached to them, ever engaged with the enemy, during the expedition to Buenos Ayres?

A. The flankers and rear-guard had some skirmishing firing in the course of the march.

Q. What distance was your post at the village of Barracka from the Residentia?

A. I do not think it could have been more than a mile and a half.

Q. Had you known the situation of the 45th, could you then have co-operated with them on the night of the 5th?

A. I think I could.

*The witness withdrew.*

*Captain John Randall Foster called in, nad sworn.*

*The third article of charge read.*

*Examined by the Judge Advocate.*

Q. Were you Aid-de-Camp to Lieutenant-General Whitelocke upon the expedition to Buenos Ayres?

A. I was.

Q. Were you with Lieutenant-General Whitelocke on the 5th of July?

A. I was, except during the time I was absent in the execution of his orders.

Q. State what orders you received from Lieutenant-General Whitelocke during the course of that day; what you did in consequence of those orders, and the length of

time during which you were absent from Lieutenant-General Whitelocke in the execution of them.

A. The first order I received from Lieutenant-General Whitelocke was about nine o'clock in the morning of the 5th. There was some firing on the left; I was directed by the General to see from what it arose. I went to the left, and found it proceeded from our own sentinels, who were firing at individuals of the enemy, who were making their escape out of the town. A non-commissioned officer reported to me that the enemy were collecting in some force, further to the left, and rather to our rear. I proceeded to reconnoitre their position, and found them to be about 200 cavalry, but not formed in any regular order. They were at this time about a quarter of a mile distant. I returned to General Whitelocke, and made a report of the circumstances. I was soon afterwards ordered by General Whitelocke to go into the town of Buenos Ayres, and endeavour to ascertain the situation of the attacking columns: this might be rather before ten o'clock. I went into the centre of the town, and directed myself to where I heard firing. I advanced about a mile, when I met a detachment of the 6th dragoon guards, with a proportion of the 9th light dragoons, retiring down one of the central streets in some confusion. I spoke to the officers of those corps, particularly, I think, to Captain Davenport of the 6th dragoon guards, and learnt from him that that corps had been repulsed in an attack upon one of the squares leading to the fort, and had met with great loss.

Q. Did you report the situation of the 6th and 9th light dragoons to Lieutenant-General Whitelocke?

A. I did.

Q. Did you report the situation of the 6th?

A. I did: it was some time afterwards. I had previously pointed out to the officers commanding those corps, what I considered a defensible position, which they immediately placed their troops in; having a square on their front, which the enemy must have passed to have attacked them. The enemy were at that time at the top of the street, firing occasionally a round of grape and musketry. I must observe, it was a very ineffectual fire. I then reconnoitred from the most commanding situations,

which were the tops of the highest houses, and observed the British colours flying within a mile distance, on the left. I observed likewise the King's colour of a regiment flying on a large building, I cannot exactly speak as to the distance, it might be something more than a mile to the right, with an intermediate position, which I took to be a church; from whence I plainly distinguished the rifle corps firing, with 2 or 3 light infantry men, I think, on the top of it. There was likewise some very heavy firing of musketry between the last position and the place from whence I reconnoitred. I did not observe any troops whatever; it was merely from the smoke and the reports. Having made these observations, I returned to Lieutenant-General Whitelocke, and made a report of what I have just related. This was about half past eleven o'clock. I was soon afterwards ordered a second time to go into the town, to observe whether the positions had at all changed in that time, and the practicability of communicating with them. I returned to the position in which I had before left the 6th dragoon guards with the 9th light dragoons, and found the positions as before stated. I endeavoured to penetrate to the right, by feeling my way, with a few men, and likewise to the left; but found it impracticable to communicate with our troops, either to the right or to the left, from the intermediate position of the enemy. I returned to the General, and made my report accordingly. I was repeatedly, several times during the remainder of the day, and until dark, ordered into the town, to report to the General, any circumstances that might come under my observation. Nothing particular did occur, and I rejoined the General after dark at night, who was, by this time, at the house which had been established as head-quarters, called White's house; on the top of which I was ordered during the night, to look out. I did so for the space of between two and three hours.

Q. In the report which you made to Lieutenant-General Whitelocke at half past eleven, did you describe the situation of the high houses from the top of which you had made those observations?

A. I did; and named to the General, that it was the position in which I had left the 6th and 9th dragoons.

Q. State, as accurately as you can, the distance of that house from the Coral.

A. I should suppose it to be within a mile. I may not be exactly correct as to the distance.

Q. Did, or did not, General Whitelocke make any attempt then, or at any other time, during the course of the 5th, personally to ascertain the position of the attacking columns?

A. During the time I was with General Whitelocke, he certainly did not.

Q. Have you any reason to know why the Lieutenant-General made no such attempt in the course of that day?

A. I do not know.

Q. Do you know of the orders of Captain Whittingham?

A. I do.

Q. With the exception of the orders you received, and the orders given to Captain Whittingham about two o'clock to proceed to the Plaza, do you know of any attempt having been made by Lieutenant-General Whitelocke, during that day, to communicate with the attacking columns?

A. I do not.

Q. Had you, or had you not, any reason to think, from the observations you made, that a communication might have been opened with one or other of the attacking columns, if a proper force had been sent for that purpose?

A. I had no opportunity decidedly of knowing the force the enemy had in the intermediate position; consequently, I do not know that I can decidedly answer the question. The enemy were in great force, as appeared from the number of people I saw at the tops of the houses and in the streets; and in fact, from the fire which they kept up whenever a soldier showed his head. I endeavoured to penetrate myself, but without success.

Adjourned.

## TWENTY-SEVENTH DAY.

FRIDAY, MARCH 4, 1808.

*Captain Foster called in again.*

*Examined by the Judge-Advocate.*

*The latter part of Captain Foster's evidence read to him.*

*Captain Foster.*—I beg to observe, that I had an escort with me when I attempted to go to the left and to the right.

Q. State the force of that escort.

A. No more than six at any time.

Q. Can you judge, from your failure of success in attempting to penetrate with an escort of six men, whether you might not have succeeded in the attempt if you had had 4 or 500?

A. I did not know that there was any failure then, further than the failure of the troops which I had met being repulsed.

Q. The question I put now is, whether you can form a judgement whether you could, or could not, have proceeded to the left with a force of 4 or 500 men?

A. I do not think it would have been very practicable to have penetrated to the right, or to the left, without a great force; it might have been done, possibly in the environs, by retiring and skirting the town; but through the town I should have supposed it to be very difficult.

Q. Have you any reason to know that a communication might have been opened with the right or left at any period of the 5th, by a proper escort?

A. At the time I made my second report to the General, I understood at head-quarters that an officer had previously been detached to open a communication with the right, and had failed in the attempt.

Q. Do you mean Major Cossley?

A. I do; the Brigade-Major of General Gower: but I

cannot speak as to the force that Major Cossley had with him.

Q. Supposing Major Cossley had had only two or three dragoons, should you have considered that a proper escort for the purpose?

A. I should have considered one dragoon, or myself going singly, as sufficient to have obeyed any order which I received from the General. By what I say I do not mean to throw any reflection on Major Cossley. I cannot judge; there must have been difficulties in either case.

Q. You have stated that you yourself made the attempt to reconnoitre with six men?

A. I did. If you think it necessary I will explain. The situations are very different: he was at head-quarters, in the environs of the town, I was one mile in the town. As the enemy were in one position in greater force than they might be in the other, Major Cossley could only have communicated by skirting the town; I must have communicated by going through the town.

*A Member.*—There is a difference between an order and opening a communication.

*Judge Advocate.*—I understand the answers allude not to carrying an order, but to an attempt, with a few dragoons, to open a communication.

A. Certainly, as alluding to myself; but not as to Major Cossley.

*A Member.*—It is not understood as throwing any censure on Major Cossley. There is a great difference between carrying an order and opening a communication.

*Captain Foster.*—I beg to state, that, in either case, the enemy were skulking round us in every direction, and firing in every direction.

*Judge Advocate.*—Q. Supposing Major Cossley had had only two or three dragoons, should you have considered that a proper escort, with a view to open a communication with any one of the attacking columns?

A. I should not. I myself failed in an attempt to open a communication; and therefore I suppose it might fail in other cases. I do think a few dragoons insufficient to open a communication.

*General Whitelocke.*—Q. How long have you been in the service?

A. Do you mean to include the whole time from my first going into the army? Because I once quitted the service.

Q. The whole of the time.

A. Twenty-four years.

Q. Were you not Lieutenant-Colonel of the 24th in Egypt?

A. I was.

Q. And did you not also serve in the active campaign in the West Indies?

A. I served nearly six years in the West-Indies, both during the war and otherways, in the command of a light company.

Q. What was the object of advancing the 9th light dragoons and carabineers into the town?

A. The 9th light dragoons and carabineers had been stationed as a reserve, and, I understood, were ordered to advance, in order to preserve the attacking columns. It was some time after the commencement of the attack that they were ordered to advance; I do not know exactly the period. When I say that I understood they were ordered to advance, I should suppose that the object of their advance was to take up a central position. General Whitelocke did not communicate to me what his ideas were; and I must add, that I did not know those corps were advanced until I met them.

Q. Did I afterwards communicate my ideas to you?

A. Never to me.

Q. Not at any period since?

A. You may have done it in conversation since; but you never at the time named it to me.

Q. After the failure of the 9th light dragoons and carabineers, do you think any force I had at command in reserve, with reference to the care of the artillery, prisoners, and other objects in the centre, could have forced their way through the centre of the town to Brigadier-General Craufurd?

A. It did not require going through exactly the centre of the town; General Craufurd's position was something to the right. The 6th and 9th light dragoons were perfectly efficient in the situation where they were: they had before been repulsed, and I do not think they could have

penetrated, but under circumstances of great difficulty, to General Craufurd's position. I beg it to be understood those two detachments were perfectly efficient at the time I was with them.

Q. Did you go into the town on the 6th or 7th of July in the execution of any orders?

A. I did, both on the 6th and on the 7th.

Q. What observations did you make, and report to me, as to the state of the town, the disposition of the people, and the control General Liniers and his officers appeared to have over them when you were in the town?

A. A Spanish officer came to the head-quarters about two o'clock in the afternoon of the 7th. I was walking with General Whitelocke in the Plaza de Tauros. A Spanish officer came with a flag of truce, and a representation from General Liniers that the British force in the town had fired on, and actually shot, two Spaniards; complaining of the circumstance as a breach of the truce, which if persisted in, such was the state of the town, that he could not be answerable for the lives of the British prisoners. I was ordered by Lieutenant-General Whitelocke to return with the Spanish officer, taking with me an escort and a flag of truce, with an assurance to General Liniers that what had happened was unknown at head-quarters, and must have arisen from some mistake. Upon arriving at the Great Square leading to the fort, I found it occupied by some thousands of the armed rabble; I suppose there might be 3 or 4000, full that certainly, who in the most insulting way refused to acknowledge the flag, or allow me to pass; they at the same time insulted the escort I had with me and myself, in every possible manner, both by actually spitting at us and firing over our heads, with a view to intimidate us, I suppose. We were in this manner detained for nearly half an hour, when two Spanish officers, mounted, with some dragoons, came and conducted me to the barrier of the fort; which, on being opened, the rabble forced their way into before me, in fact. I was with some difficulty conducted to the room where General Liniers was, the avenues to which were occupied by the armed rabble, who were at that time calling out for Colonel Pack, Signior Pack was the expression they made use of. Gene-

ral Liniers was at that time addressing a number of the rabble who had forced their way into the room where he was with a number of British officers who were prisoners, and at that moment had seized one of the most turbulent by the neck, threatening him, I suppose. I delivered to General Liniers the orders I had received from General Whitelocke, which he was apparently explaining to the rabble who had broken into the room, which in some measure tranquillized them. Colonel Pack was at this time sitting in the room, with one or two priests behind his chair; I am positive there was one, if not two, with a view to protect him; at least I should suppose so. They had been dining; the cloth was on the table. I then returned into the court-yard, and obtained a Spanish escort, in addition to my own, for it became absolutely necessary. On going out of the fort into the Great Square, I found the violence of the mob had, apparently, very much increased; they offered the same degree of insult to me, and I was detained by them more than an hour, during which time I expected I should have fallen a sacrifice to their rage: it was not until very great exertions on the part of the Spanish escort that I was permitted to pass through the mob; and it was dark before I returned to head-quarters, when I made this report, I believe, almost nearly in the same words I have now done.

*Judge Advocate.*—Was the treaty signed at this time?

A. The definitive treaty did not reach the head-quarters, I believe, till about half past eight at night; soon after which Colonel Pack came to the head-quarters escorted. The definitive treaty was not signed.

Q. Had all the terms been agreed upon previous to your going into the town?

A. I really do not know.

Q. How long was it between your return from Buenos Ayres and the signature of the definitive treaty?

A. I cannot speak as to the fact of the definitive treaty being signed. The occurrence which I have now related happened from half past two until dark; and I believe the definitive treaty was signed, or brought to the British head-quarters that night.

Q. You did not make your report till after dark that evening?

A. Nearly dark.

Q. Do I understand your answer to be, that you did not make your report to General Whitelocke till after dark, and that the definitive treaty was signed that evening?

Q. It was about dark that I returned and made my report.

Q. Was the definitive treaty signed that evening, or not?

A. I believe it was; I cannot speak to a certainty: I do not know positively whether it was, but I believe it was.

Q. After your return, did any officer come from the town to head-quarters?

A. Colonel Pack came to head-quarters, I believe, about half past eight or nine o'clock.

Q. Having stated that in the morning of the 5th you met with a detachment of the 9th light dragoons and the 6th dragoon guards retiring; do you know what proportion of the 9th light dragoon guards were engaged on that service?

A. I believe one squadron. After making my first report to Lieutenant-General Whitelocke, I returned a second time into the town, and found the whole of that regiment collected in that position.

*Sir John Moore.*—Q. Did you, when you went into the town in the evening of the 5th, observe that the British colours were taken down from the convent of St. Domingo; and, if so, did you report the circumstance to Lieutenant-General Whitelocke?

A. I never saw any colours displayed on the convent of St. Domingo. The colour which I observed was at the Residentia, which was a King's colour of a regiment; and that colour was flying as long as I could see during that day.

*General Whitelocke.*—Q. Your former answer was, that you saw our men on the top of the centre building.

A. I did so: I saw riflemen acting from the steeple, with two or three light infantry men on the top of it.

Q. Did you see them in the evening?

A. I did not see them after three o'clock. There was

a particular haze came upon the town from the river, I think, which was very thick, about three o'clock.

Q. At that time did you see the flag on the Residentia?

A. Soon after that I saw the flag on the Residentia. It might possibly be between three and four that I observed any men upon the centre building.

*Examined by the Court.*

Q. Do you know if the cannon fired upon the dismounted dragoons from the fort?

A. There was no cannon shot from the fort upon the dismounted dragoons during the time I was with them: the enemy appeared to have brought a field-piece to the top of the street, from which they fired. I mean to observe, that it was an occasional fire, and a very ineffectual one.

Q. Are you, or are you not, of opinion that Lieutenant-General Whitelocke had the means in his power of opening a communication with Brigadier-General Craufurd, in the course of the 5th, if he had applied them to that purpose? You are not to confine your answer to any attempt made through the town, but to an attempt made in any other manner.

A. I am not aware that General Whitelocke knew General Craufurd's situation, or his position.

Q. The question is, whether the communication could be opened.

A. With General Whitelocke's force collected, it could only have been made with great difficulty and hazard.

Q. Was it, or was it not, possible for General Whitelocke to have communicated with General Craufurd?

A. I think it possible for him to have fought his way there with his whole force collected that were in the reserve, but it must have been done under great difficulty. It is quite a matter of opinion, and I beg to submit it to the Court.

Q. I ask merely yes or no?

A. A very large force, determined to penetrate to one point, might have done so; but with very great loss and difficulty.

Q. When you reported, and described the house from whence you had a view of the town, did Lieutenant-General Whitelocke express any inclination to go to that place?

A. I beg to observe, that my reconnoisance and my report was not confined to one house, but to many. Upon my making my report to Lieutenant-General Whitelocke he did not express any inclination to go there.

Q. Had you any means of knowing whether the enemy were in any force between head-quarters and the Residentia, in the skirts of the town?

A. I had no means of knowing the force the enemy had, further than by the continual straggling fire that was kept up in that direction during the whole of that morning.

Q. How then can you tell that the co-operation with Brigadier-General Craufurd would have been difficult by marching along the skirts of the town to the Residentia?

A. They must, in some cases, have passed through the town; they could not have gone to General Craufurd without passing through some part of the town; and the enemy appeared to be perfectly prepared, by being on the tops of the houses.

*Judge Advocate.*—Q. Several questions that I have asked you, as well as some of those put by the Court, have been misunderstood. The object of those which I asked you have been, not whether a direct co-operation might have been made with Brigadier-General Craufurd by marching through the town, but whether, in any way, a co-operation might have been made.

A. I have answered that I thought it might have been done with difficulty to the right, round the skirts of the town.

*Sir John Moore.*—Q. Captain Foster has stated, that with the whole reserve of Lieutenant-General Whitelocke a communication might have been opened with the centre streets of the town, but with difficulty. This is a question in explanation. If Captain Foster does not know what the force was in the skirts of the town, except by judging of the straggling fire kept up, how can he form his judgement that it would have required the whole force which remained with General Whitelocke, and that then it would have been attended with difficulty?

A. I have no hesitation in saying that the enemy appeared so prepared at all points, by being at the tops of the houses, and in other respects, that without great difficulty they could not have got to the Residentia. The tops of the houses on the right and left were covered with people, and the skirts of the town were surrounded with hedges, where the enemy could not be seen. The enemy were seen in numbers upon the tops of the houses approximating to the Residentia.

*Sir John Moore.*—It appears by the explanation Captain Foster has given, that he did not know what force the enemy had between the head-quarters and the Residentia; if he did not know that, he cannot say whether a single man or a thousand were sufficient to force the communication.

*Captain Foster.*—I give it as a matter of opinion.

*Sir John Moore.*—If the enclosures prevented him from seeing the enemy, it is impossible for him to say of what numbers the enemy consisted: his imagination may paint 10,000, or not one. If he sees a hedge, unless he goes up to that hedge he cannot say whether there are men behind it or not.

*A Member.*—He has declared that he saw a great number upon the houses near the Residentia.

*Captain Foster.*—I speak to what I saw.

Q. Did you, or any other Aid-de-Camp, to your knowledge, receive an order to penetrate, at all risk, to Brigadier-General Craufurd, or any of the corps engaged on the right?

A. I did not myself. I wish to explain that it was only six years that I served in the West-Indies, being badly wounded.

*The witness withdrew.*

*Captain Whittingham called in again.*

*The third charge read.*

*Judge Advocate.*—If Captain Whittingham had not been prevented by illness from attending here yesterday, I should have required from him a detailed account of the reconnoisance he made, by Lieutenant-General Whitelocke's orders, to the left; but Lieutenant-Colonel Torrens

having stated a great deal of what he knew, it will save the time of the Court if I read Lieutenant-Colonel Torrens's evidence, desiring Captain Whittingham to make any corrections, or add any particulars which were omitted by him. Lieutenant-Colonel Torrens stated at the time that Captain Whittingham could give a more detailed account than he could. These are the questions put to Colonel Torrens:—

[Here the Judge Advocate read the evidence of Colonel Torrens, commencing with the words "When Captain "Whittingham received his orders from Lieutenant-Ge- "neral Whitelocke, to the words "General Craufurd."]

That is all that applies to the reconnoisance. If there are any circumstances which Lieutenant-Colonel Torrens has omitted in the evidence I have now read, you will supply them.

A. There is no material difference; there is a little difference in the time. Having heard Lieutenant-Colonel Torrens's evidence of my reconnoisance to the Plaza de Tauros, I have nothing to add to it but in respect to the time. I marched from the Miserere at half past two, and I arrived at the Plaza de Tauros at four o'clock, and I returned to General Whitelocke at half past four.

Q. How long were you on your return?

A. Half an hour.

Q. Had you any, and what, communication with Lieutenant-General Whitelocke upon your return, upon the subject of his going to the Plaza de Tauros that evening?

A. I communicated to General Whitelocke Sir Samuel Achmuty's desire, that he should go to the Plaza de Tauros; but I had no further conversation with General Whitelocke upon the subject.

Q. Did you give any opinion of your own to General Whitelocke, as to its being practicable or safe?

A. I did not; as I returned with the dragoons alone, I thought there was no question about that.

Q. State the orders you received to open a communication with the right flank, and what you did in consequence of those orders; the strength of the escort you took with you; the time it took you to perform that service; and

the difficulties of any kind that you met with in performing it.

A. On the morning of the 6th, about half past six, I marched with 10 dragoons and 30 infantry from Mr. White's house: my orders were to find out Colonel Mahon, and direct him to advance without loss of time to the Miserere. I was then to proceed to the Residentia, and afterwards to whatever position General Craufurd might occupy. A little before eleven I fell in with Colonel Mahon's outpost, and was conducted to his head-quarters near the bridge; I communicated to Colonel Mahon Lieutenant-General Whitelocke's orders; and, having left the 30 infantry who accompanied me with Colonel Mahon, I received 100 men of the 40th. About one o'clock I came to the Residentia, where I found 7 companies of the 45th under the command of Majors Tolley and Nichols, and there learnt, that on the morning of the 5th, about nine o'clock, an English flag had been seen flying in a northerly direction, at the distance of about 800 yards; that Colonel Guard had advanced in that direction with the grenadiers of the 45th, and had not returned; that the flag had been struck between three and four o'clock in the evening of the same day. While I was at the Residentia the enemy attempted to bring cannon against the convent; Major Nichols charged them, and took two howitzers. Majors Tolley and Nichols having given it as their opinion that, all circumstances considered, it would be in vain for me to attempt to penetrate in search of Brigadier-General Craufurd, at four o'clock I began my retreat; at half past six I arrived at the Miserere, which position, I then found, was occupied by Colonel Mahon's brigade. I reported to Colonel Mahon the strength of the Residentia, and the very able manner in which that position had been occupied by Majors Tolley and Nichols; the provisions they had met with in the convent and the adjacent houses; the ease with which a communication might be opened with the navy; the two guns and the two howitzers they had taken; the want they had expressed of an artillery officer; and the advantage they would derive from a reinforcement. Colonel Mahon immediately deter-

mined that a reinforcement of 300 men, together with an artillery officer, should be sent to them next morning by day-light.

Q. Did you, or did you not, offer Majors Tolley and Nichols to leave the 100 men of the 40th at the Residentia, and to attempt your return with the ten dragoons, the only remaining part of your escort?

A. I did.

Q. At the time you made this reconnoisance, had all offensive operations against the town, from the attacking columns ceased?

A. I cannot positively answer the question. I left the Miserere at day-light, and could not positively know what was going on in the left or the centre.

Q. Describe to the Court what obstacles from the enemy, or otherwise, you met with in performing this service; also the distance from Mr. White's house to the bridge, from the bridge to the Residentia, and from the Residentia to the head-quarters.

A. I met with no obstacles of much consequence; generally the houses were occupied by armed men, and on the road with some loose parties of cavalry, but no obstacles worth speaking of. I employed the infantry as flankers, and the dragoons were quite sufficient to clear the roads. From Mr. White's house to the bridge is 5 or 6 miles, from the bridge to the Residentia rather more than 2 miles, and from the Residentia to Mr. White's house about 4 miles.

Q. From the observations you made in performing this service, is it, or is it not, your opinion, that a communication might have been opened with the Residentia from the head-quarters on the 5th?

A. I think it might have been opened; because at the time I went the enemy's force was more disposable, from the surrender of the light brigade.

Q. Did Lieutenant-General Whitelocke make any, and what attempt, personally or otherwise, to co-operate with and support the different columns of the army, engaged in the attack on the 5th of July with the exception of the two orders to which your evidence has applied?

A. I understood that Major Cossley had been ordered to the right.

Q. Was that the only attempt that you know of?

A. It was the only attempt that I know of. Perhaps I am not wrong in stating that Captain Foster went down the centre after the retreat of the carabineers. I did not know when he was sent, but he told me he had been, when I came back.

Q. If Major Cossley had been sent to the right with two or three dragoons, should you have considered that a proper escort for the purpose of opening the communication with the right?

A. I should not: it was impossible for the dragoons to act in that enclosed country without either infantry or dismounted cavalry to act as flankers.

*Questions by General Whitelocke.*

Q. When did you receive your orders to go to the right flank; and had you any communication with me on the night of the 5th of July upon those orders?

A. I received my orders on the evening of the 5th. Between twelve and one o'clock at night, General Whitelocke came to me, and desired I would particularly make myself master of the bearings and distances of the route I was to take the next day; he also desired that I would send for an intelligent person who was then in the house, and question him particularly on the subject.

Q. What reason did Major Nichols assign for not permitting you to leave the 100 men after expressing to you his wish to have a reinforcement?

A. Major Nichols felt so much confidence in his position, that he was not particularly anxious about a reinforcement; and he said he thought it of more consequence to ensure my return to head-quarters with my report.

*Questions by the Court.*

Q. Did you return to the Residentia by a different road from that by which you marched to the bridge?

A. I did: night was coming on, and my party was much

stronger when I came down; I therefore came home a shorter road nearer the town.

Q. When General Whitelocke desired you to make yourself acquainted with the bearings and distances of the route you were to take on the 6th, did he communicate any information upon the subject himself?

A. The person that was sent for was perfectly master of the country: he was examined in the presence of General Whitelocke, and General Whitelocke asked him several questions himself.

Q. Did you know of any greater difficulty in proceeding to the right flank than you met with on going to the left on the 5th?

A. There were more mounted men on the right; but the opposition which they afforded was nothing worth mentioning.

*The witness withdrew.*

*Lieutenant-Colonel Bourke called in.*

*The third and fourth articles of charge read.*

*Examined by the Judge Advocate.*

Q. Were you with Lieutenant-General Whitelocke during the 5th of July?

A. I was.

Q. Will you state to the Court any military circumstances connected with the charges exhibited against Lieutenant-General Whitelocke, which occurred from the morning of the 5th to the final embarkation of the troops? This inquiry, you will observe, goes to the military operations of the troops; to the personal exertions of the Commander in Chief, in aid and support of those corps who, in pursuance of his orders, penetrated into the town of Buenos Ayres, and engaged the enemy on the 5th; and likewise the disposition and movement of the troops who remained unemployed during that day.

A. Soon after the signal guns had fired upon the morning of the 5th, I stated to the Commander of the forces that the different columns had all marched off, and that the carabineers and 9th light dragoons were stationed in

the two streets allotted to them in general orders, and I stated soon after, that I perceived the gun-boats; as I supposed, moving up to cover the 38th regiment. About ten o'clock in the day, I saw the carabineers and the 9th light dragoons returning from the unsuccessful attack they had made in the centre street. They were halted about 500 yards in front of the ground from which they had originally started, and I believe the whole number stationed at that place were about 600, and there were 150 more of the 9th light dragoons stationed at the Coral de Miserere, where the Commander of the forces himself was. About half past two o'clock I was present, when the Commander of the forces sent Captain Whittingham to the left. I do not recollect any other circumstances occurring on that day, which I can give in answer to this question. I think about one or two o'clock in the morning of the 6th, the General desired me to write some orders, which he dictated, and which were given to Captain Whittingham, who was sent off at day-break on that morning. About ten o'clock the same day the General moved to the Plaza de Tauros with a small escort of dismounted dragoons, and I think with two six-pounders and some few cavalry. Nothing particular occurred upon that march. I understood, from some conversation I had with the General before we marched, that his intention was to keep his left upon the Plaza de Tauros, and to close all his remaining forces towards that point. I do not remember any particular military occurrence at the Plaza de Tauros during the four days that I remained there: I sailed for England on the 20th of July. I should, perhaps, have observed, that on the morning of the 8th of July, I settled the line of demarkation of the advanced posts of the two armies, with a staff officer sent out by the Spaniards for that purpose.

Q. Do you know of any personal exertion during the 5th made by Lieutenant-General Whitelocke, or of any other attempts than those you have described, to co-operate with and support the different columns of his army which had, by his orders, entered the town of Buenos Ayres on that day?

A. I do not know of any exertion made by General Whitelocke in his own person. I believe he sent General

Gower's Brigade-Major with a message to the right, and I perceived that he sent Captain Foster frequently into the town of Buenos Ayres, but I was not present when he gave them their orders.

Q. Do you know why Lieutenant-General Whitelocke used no personal exertions, or made any other attempts than those you have described, for the purposes mentioned in the last question?

A. I do not.

Q. If proper means had been adopted for uniting the forces under Colonel Mahon to those near head-quarters on the 4th or early on the morning of the 5th, would it not have been in the power of Lieutenant-General Whitelocke, at the head of those troops, to have forced his way at any time during the 5th into the town, and have joined any other British corps at that time engaged with the enemy? or would it not have been in his power on the morning of the 6th, at the head of those troops, to have forced his way to the Residentia; and would not such or similar personal exertion on his part, have afforded the best prospect of restoring the fortunes of the day.

A. I believe, if proper means had been adopted, there would have been no great difficulty in uniting the corps under Colonel Mahon, with that near head-quarters on the 4th or early on the morning of the 5th. What effect an attack from that force might have had, is more than I can presume to say, never having seen the defences of the enemy. I believe there would have been no difficulty in the morning of the 6th, with even a much smaller force, to have communicated with the Residentia. I find great difficulty in answering the latter part of the question, because I really do not understand it. I have stated it would have been possible to have gone to the Residentia on the 6th, but I cannot state the effect it might have had, as I have stated I never saw the defences of the enemy. I do not know what opposition it might have experienced.

Q. Would not the bringing Colonel Mahon's corps into such a position that they could have co-operated with one or the other of the attacking columns, have afforded better prospect of success to the attack?

A. Certainly it would.

Q. Were you ever consulted upon the treaty?

A. I was shown the first letter sent by General Gower on the morning of the 6th of July. The Commander of the forces asked my opinion of it in the presence of General Gower. I told him I thought he ought to refuse the summons and to close on the remainder of the force to the left. General Gower observed that he was of the same opinion, and that an answer to that effect was going to be sent off, which answer, with some trifling alterations, was afterwards sent; and I was no further consulted by General Whitelocke upon the subject of the treaty.

Q. Did you give any opinion to General Whitelocke upon that subject?

A. Nothing further than what I have stated, until subsequent to its signature.

*Questions by Lieutenant-General Whitelocke.*

Q. Were there not mounted troops of the enemy in our rear and on our flanks the whole of the 5th of July?

A. There were considerable numbers.

Q. What force had I at the Coral with the artillery on the 5th for the protection of the guns, prisoners taken on the 2d, and the sick and wounded?

A. Exclusively of the 600 which I have already stated to have been in the centre streets, there were about 350, in which I include 83 dismounted dragoons attached to the commissariate.

Q. How were the men attached to the Commissary-General armed?

A. I think with short carabines only.

Q. Did you, either on the 4th or 5th of July, hear from any of the general or other officers, any doubt expressed as to the success of the attack or any apprehension of its failure, and what was the opinion as to Brigadier-General Craufurd's brigade towards the close of the attack?

A. I never heard any doubts whatever expressed as to the success of the attack, and I remember, a little before sun-set in the evening of the 5th of July, expressing some anxiety to a general officer as to the fate of General Crau-

furd's brigade. He told me he had a great deal of dependence upon the skill of General Craufurd, and that he hoped we should soon hear of his being well posted.

Q. Did you particularly examine the ground we occupied at the Tauros, and state what command it had over the city of Buenos Ayres?

A. I examined that ground very carefully. The Plaza is situated upon one side of a little ravine: a great part of the town of Buenos Ayres was upon the other. The side of the Plaza was the steepest of the two, and from that circumstance it commanded to the distance of about 5 or 600 yards upon the opposite side, but at the distance of 800 yards it had no advantage whatsoever.

Q. From your knowledge of the nature of the ground in the environs of Buenos Ayres, could you have so occupied the environs of Buenos Ayres as to cut off supplies from the town even with the whole force before the 5th of July?

A. I should conceive, from the great extent which it would have been necessary to guard, probably not less than five miles, from there being at least 30 roads within that distance, leading from the country into the town, from the garrison of the town being at the smallest computation more than double the number of assailants, and from the circumstance of the enemy having a large body of irregular cavalry constantly harassing the rear, that such a blockade could hardly have been successful. It is also necessary to state that, at the season when we appeared before Buenos Ayres, all the towns in that province are generally filled with grain, it being the custom to bring it in from the country before the setting in of the rains and the breaking up of the roads. We had likewise been informed before we left Monte Video that the enemy had established magazines of provisions in the town.

*The first question which General Whitelocke put to Lieutenant-Colonel Bourke and the answer were read.*

*Judge Advocate.*—Q. Were the mounted troops you referred to in that answer, of the same description with

the 300 which Lieutenant-Colonel Torrens and Captain Whittingham dispersed and pursued for between two and three hours on the morning of the 5th with 16 mounted dragoons?

A. I believe they were all of the same description.

Q. Is it, or is it not, your opinion, that it would have been practicable to have battered and bombarded the town of Buenos Ayres with effect by a combined attack by sea and land on or after the 5th?

A. I believe it would have been possible to have destroyed a number of the houses, but not to have set the town on fire.

*Questions by the Court.*

Q. Were you near Lieutenant-General Whitelocke on the 5th of July, and were you acquainted with the orders for the attack on Buenos Ayres on that day?

A. I was near General Whitelocke the whole of the day, though for a short time in conversation with him: I was acquainted with the orders.

Q. Did the orders direct different corps to penetrate near to the rivers, and there to occupy the nearest buildings and wait further orders?

A. The orders did not express that they were to wait there for further orders; but it must have been so understood.

A. Did you soon perceive that the communication between Lieutenant-General Whitelocke and those corps was intercepted by parties of the enemy?

A. In less than half an hour after the troops marched off.

Q. Did it strike you as important, during any part of that day, for the General, with his staff, to put himself at all risks in contact with his army, that he might know the effect of the attacks he had ordered, and combine its further efforts?

A. As early as eight o'clock in the morning, when I found the fire continued very heavy in the town, and that he had received no intelligence from the Brigadier-Gene-

rals commanding, I thought there was a necessity for communicating with them, and that necessity increased as the day advanced; and if it could have been obtained in no other way than by the General's placing himself at the head of his troops, in my opinion it ought to have been attempted.

Q. Do you know whether such necessity ever struck the Lieutenant-General, or that it was ever pointed out to him?

A. I cannot say whether it ever struck him or not: it was not pointed out to him in my presence.

Q. As you were near the person of Lieutenant-General Whitelocke, can you state that you have not an opinion of the cause which induced the Lieutenant-General to remain stationary in the rear, separated from his army, instead of forcing his way to join it, to direct its operations, and to share its fate?

A. Although I was never far from the General during that day for any considerable length of time, yet I had so little conversation with him, that I cannot attempt to assign the grounds for his conduct.

Adjourned till ten o'clock to-morrow morning.

## TWENTY-EIGHTH DAY.

SATURDAY, MARCH 5, 1808.

The Court having met, the Deputy Judge Advocate read a letter from the Right Honourable Richard Ryder, Judge Advocate General, stating that he was so much indisposed, as to be unable to attend, but hoped he should on Monday.

Adjourned till Monday 10 o'clock.

## TWENTY-NINTH DAY.

MONDAY, MARCH 7, 1808.

*Lieutenant-Colonel Bourke called in.*

*Judge Advocate.*—I am informed by Lieutenant-Colonel Bourke, that he wishes to amend one of the answers he gave to a question when he was last before the Court. The question which the answer refers to is this :—" If proper means had been adopted for uniting the forces " under Colonel Mahon to those near the head-quarters " on the 4th, or early on the morning of the 5th, would it " not have been in the power of Lieutenant-General " Whitelocke, at the head of those troops, to have forced " his way, at any time during the 5th, into the town, and " have joined any other British corps at that time engaged " with the enemy; or would it not have been in his power " in the morning of the 6th, at the head of those troops, " to have forced his way to the Residentia; and would not " such, or similar personal exertion on his part, have afforded the best prospect of restoring the fortunes of the " day?"—A. " I believe, if proper means had been adopted, there would have been no great difficulty in uniting " the corps under Colonel Mahon with that near head-" quarters on the 4th, or early on the morning of the 5th. " What effect an attack from that force might have had, " is more than I can presume to say, never having seen " the defences of the enemy. I believe there would have " been no difficulty, in the morning of the 6th, with even " a much smaller force, to have communicated with the " Residentia. I find great difficulty in answering the latter part of the question, because I really do not understand it. I have stated it would have been possible to " have gone to the Residentia on the 6th, but I cannot " state the effect it might have had; as I have stated I " never saw the defences of the enemy, I do not know " what opposition it might have experienced."

*Lieutenant-Colonel Bourke.*—I conceived, when that

question was put, that its object was to ascertain if, after Colonel Mahon's corps had been joined to the force near head-quarters, it would have been possible for General Whitelocke, at the head of those troops, to have forced his way into the centre of the town, and I answered it accordingly. If, however, it was intended to inquire if, by means of those troops, a communication could have been opened, I have further to state, in reply, that it is my opinion, that by means of that force, during any time of the day of the 5th, a communication might have been opened with any British troops engaged in the town; and that it is my opinion, such communication, and the further co-operation of those corps, would have afforded the best prospect of ultimate success.

Q. Had Lieutenant-General Whitelocke, when at White's house, concentrated the whole of his force, might he not have occupied the roads between the Chuello and the Recollata, or have broken them so as to have prevented any supply of provisions being brought into Buenos Ayres in that direction?

A. I believe that the distance between the nearest part of the Rio Chuello, and the Recollata Convent, was at least seven miles, and I do not conceive that, with his whole force of 7500 men, it would have been possible to have closely guarded such an extent; nor do I think it would have been possible to have broken up the roads so as to have completely prevented the introduction of supplies into the town.

*Judge Advocate.*—I have no further questions to put to Lieutenant-Colonel Bourke, but if, upon that amended answer, General Whitelocke has any question to ask, I conceive he has a right to do it.

General Whitelocke informs me he has no questions to put upon that amended answer, but that he omitted to put one upon another subject, and he wishes now to be permitted to do it; to which I have no objection.

*Lieutenant-General Whitelocke.*—Q. Is there any commanding situation on the Coral side of the town, from which Buenos Ayres, or the march of the columns, could have been seen?

A. There is not.—*The witness withdrew.*

## TWENTY-NINTH DAY.

MONDAY, MARCH 7, 1808.

*Lieutenant-Colonel Bourke called in.*

*Judge Advocate.*—I am informed by Lieutenant-Colonel Bourke, that he wishes to amend one of the answers he gave to a question when he was last before the Court. The question which the answer refers to is this:—"If proper means had been adopted for uniting the forces "under Colonel Mahon to those near the head-quarters "on the 4th, or early on the morning of the 5th, would it "not have been in the power of Lieutenant-General "Whitelocke, at the head of those troops, to have forced "his way, at any time during the 5th, into the town, and "have joined any other British corps at that time engaged "with the enemy; or would it not have been in his power "in the morning of the 6th, at the head of those troops, "to have forced his way to the Residentia; and would not "such, or similar personal exertion on his part, have afforded the best prospect of restoring the fortunes of the "day?"—A. "I believe, if proper means had been adopted, there would have been no great difficulty in uniting "the corps under Colonel Mahon with that near head-"quarters on the 4th, or early on the morning of the 5th. "What effect an attack from that force might have had, "is more than I can presume to say, never having seen "the defences of the enemy. I believe there would have "been no difficulty, in the morning of the 6th, with even "a much smaller force, to have communicated with the "Residentia. I find great difficulty in answering the latter part of the question, because I really do not understand it. I have stated it would have been possible to "have gone to the Residentia on the 6th, but I cannot "state the effect it might have had; as I have stated I "never saw the defences of the enemy, I do not know "what opposition it might have experienced."

*Lieutenant-Colonel Bourke.*—I conceived, when that

question was put, that its object was to ascertain if, after Colonel Mahon's corps had been joined to the force near head-quarters, it would have been possible for General Whitelocke, at the head of those troops, to have forced his way into the centre of the town, and I answered it accordingly. If, however, it was intended to inquire if, by means of those troops, a communication could have been opened, I have further to state, in reply, that it is my opinion, that by means of that force, during any time of the day of the 5th, a communication might have been opened with any British troops engaged in the town; and that it is my opinion, such communication, and the further co-operation of those corps, would have afforded the best prospect of ultimate success.

Q. Had Lieutenant-General Whitelocke, when at White's house, concentrated the whole of his force, might he not have occupied the roads between the Chuello and the Recollata, or have broken them so as to have prevented any supply of provisions being brought into Buenos Ayres in that direction?

A. I believe that the distance between the nearest part of the Rio Chuello, and the Recollata Convent, was at least seven miles, and I do not conceive that, with his whole force of 7500 men, it would have been possible to have closely guarded such an extent; nor do I think it would have been possible to have broken up the roads so as to have completely prevented the introduction of supplies into the town.

*Judge Advocate.*—I have no further questions to put to Lieutenant-Colonel Bourke, but if, upon that amended answer, General Whitelocke has any question to ask, I conceive he has a right to do it.

General Whitelocke informs me he has no questions to put upon that amended answer, but that he omitted to put one upon another subject, and he wishes now to be permitted to do it; to which I have no objection.

*Lieutenant-General Whitelocke.*—Q. Is there any commanding situation on the Coral side of the town, from which Buenos Ayres, or the march of the columns, could have been seen?

A. There is not.—*The witness withdrew.*

brought by Captain Whittingham from the Residentia, a reinforcement of 150 men and an artillery officer, were directed to be held in readiness to move at day-light in the morning to that post, the Residentia. The following morning, just as this detachment was about to march, a letter was received from the Plaza de Tauros, to cease hostilities, and no further movement of the troops to take place. On the 7th about one o'clock I rejoined General Whitelocke at the Tauros. I do not recollect any other circumstance that occurred.

Q. Do you know of any personal exertion made by Lieutenant-General Whitelocke during the 5th, or any other attempts on his part, to co-operate with and support the different columns of his army, which had, by his orders, entered the town of Buenos Ayres on that day?

A. I do not.

Q. Do you know why Lieutenant-General Whitelocke made no personal exertion, or any other attempts than those you have described, for the purposes mentioned in the last question?

A. I do not know of any reason, except his confidence in the troops in advance being able to effect the purpose for which they were designed. I merely conjecture that that might be the reason: I do not know that that was General Whitelocke's reason, I merely conjecture it might be so.

*Judge Advocate.*—If the witness means by conjecture, that it is his opinion, undoubtedly that is an answer; if it is merely a vague supposition, and he does not mean to state it as an opinion of his own, I conceive it is no answer at all, and ought not to appear upon the minutes.

*Lieutenant-Colonel Bradford.*—It is merely a supposition.

*Judge Advocate.*—Then I think it ought not to be stated, unless he means to say that upon that supposition he formed an opinion.

*The Question read.*

A. I do not know of any reason.

Q. Was it not clearly and generally understood, when the different columns marched on the morning of the 5th, that after they had gained the several points pointed out

to them by the orders under which they marched, they were to wait for further orders for their subsequent operations?

A. The orders for the attack of the 4th were not given by me to the different commanding officers of the regiments.

*A Member.*—Q. You knew those orders: the question is, Was it generally understood?

A. I do not know: the orders were not given by me on the 4th; they were given out by General Gower.

Q. If proper means had been adopted for uniting the forces under Colonel Mahon to those near head-quarters, on the 4th, or early on the morning of the 5th, would it not have been in the power of Lieutenant-General Whitelocke, at the head of those troops, to have forced his way at any time during the 5th into the town, and have joined any other British corps, at that time engaged with the enemy; or would it not have been in his power, on the morning of the 6th, at the head of those troops, to have forced his way to the Residentia; and would not such, or similar personal exertion on his part, have afforded the best prospect of restoring the fortunes of the day?

A. I think it would.

Q. Were you ever consulted upon the treaty?

A. I was absent at the time: I was at the Coral.

Q. What number of prisoners were taken at the Coral?

A. About 200.

*A Member.*—Q. At what time do you mean?

A. They were taken principally on the 2d, and stragglers at our out-posts between that time and the attack.

*Judge Advocate.*—Have you the return of the effective strength of the army after the 5th?

A. Yes, I have: it was 5441 rank and file, the effective strength after the attack.

*Produces it.—(See Appendix.)*

Q. Can you state the effective force of the reserve at the Coral upon the 5th, distinguishing them by regiments?

A. The force at the Coral and the different posts connected with the Coral, consisted of about 1050 men rank and file; that was the number: and I apprehend that was

the effective strength; for I do not recollect any sick people being reported, after deducting the casualties occasioned by the attack of the carabineers and 9th light dragoons that morning.

Q. What was the force before those casualties occurred?

A. About 1100. This force was diposed of as follows: advanced towards the town, 600 rank and file; at the Coral 180, including 30 mounted dragoons; with the commissariate, 83 of the 17th light dragoons dismounted, with some carabineers; at the hospital a company of the 88th, consisting of 60 rank and file, and detachments of different regiments left with packs, amounting to about 180 rank and file.

Q. What was the total number of prisoners given up at the treaty?

A. The total number of men taken prisoners, including 220 wounded, amounted to 1676. I suppose the number taken were given up. The number taken by the British were about 1000, including the 200 that were taken at the Coral. As the treaty specified the whole should be given up, I suppose they were.

Q. How soon after the different columns of the army marched into the town by Lieutenant-General Whitelocke's orders, did you perceive that all communication was intercepted between them and the Commander in Chief, by parties of the enemy?

A. I do not know that the communication was at all intercepted, except in the town. Do you mean the troops that went in with General Craufurd?

*Judge Advocate.*—I mean the troops that went into the town.

*The question read.*

A. In every street that the columns passed through, there were parties of the enemy in every house, firing on them as they passed. I suppose the enemy remained in the streets, and there was that difficulty remaining a second time in communicating with them.

Q. The question is, how soon the communication was cut off?

A. I do not recollect knowing that the communication was cut off at all: a sufficient body of troops would, I apprehend, have forced a communication; but it would have been very imprudent attempting a communication with the troops in the town, by the centre streets, after the result of the attack of the 6th dragoon guards and 9th light dragoons, which were exposed to a very destructive fire of the enemy in attempting to proceed into the town, and were obliged to retire with loss. I apprehend it was impossible to communicate, by means of the Residentia, and, by that post, with the troops in the St. Domingo church.

Q. Did it, or did it not, appear to you to be important at any and what time of the day, for the General and his staff to put himself, at all risks, in contact with his army, that he might know the effect of the attacks which he had ordered, and combine their further efforts?

A. I think that, allowing till eleven or twelve o'clock to receive reports from the town, in my opinion, it would have been advisable to have done so.

Q. Do you, or do you not, know whether such necessity ever struck Lieutenant-General Whitelocke, or whether it was ever pointed out to him?

A. I do not know.

Q. As you were near the person of Lieutenant-General Whitelocke, can you state whether you have any opinion of the cause which induced him to remain stationary in the rear, separated from his army, instead of forcing his way to join it, to direct its operation, and share its fate?

A. It is impossible for me to say by what motive he was actuated.

Q. It is matter of opinion; and I call upon the witness for that opinion, if he has formed one.

A. I have formed no opinion.

*Lieutenant-General Whitelocke stated that he had no questions to ask Lieutenant-Colonel Bradford.*

*Questions by the Court.*

Q. Did the 6th dragoon guards, and 9th light dragoons, act as infantry, from the period of their disembarkation at Ensenada de Barragon, till the treaty was signed?

A. Yes, they did.

Q. Describe their arms.

A. They were armed with the old carabines.

Q. Was any, and what, endeavours used by Lieutenant-General Whitelocke to supply them with muskets and musket ammunition, during that period, or previously at Monte Video?

A. Until the arrival of General Craufurd, we had no spare arms. I do not know of any exertions that were used to provide them: there were none to be had at Monte Video, till the arrival of General Craufurd. On recollection, I believe the 9th light dragoons had muskets, it was only the carabineers that had carabines.

Q. Did you, as Adjutant-General, know where Colonel Mahon, with his corps, was, on the morning of the 5th of July?

A. I did not send the order to Colonel Mahon, but I understood, on the evening of the 4th, that an order had been sent for him to march from Reduction to the Chucllo bridge. I know an order had been sent; but I could not possibly say whether it had been received: there was no acknowledgement of the order at head-quarters. I did not know that the order was received, until his arrival on the evening of the 6th. The order was not sent by me.

Q. When General Whitelocke left the Coral to proceed to the Plaza de Tauros, did the enemy appear in any force about the Coral?

A. I do not recollect seeing the enemy at all at that time about the Coral. 3 or 400 straggling horsemen made an attack upon the post in the rear; but it was not until General Whitelocke had gone to the Tauros.

Q. Was any attempt made by the enemy during the time you were in command, except that which you have stated in your former answer?

A. The only attempt made by the enemy, was the one I have already stated in the rear; and they were driven back immediately.—*The witness withdrew.*

*Captain Brown called in.*

*Judge Advocate.*—I wish to state to the Court the reason why I have called Captain Brown is, that he was one

of Lieutenant-General Whitelocke's aids-de-camp. Having already, by seven officers who were with General Whitelocke, some during the whole, and others during the greater part, of the 5th, proved as far as I am able, all that passed on that day, I am not aware that by any examination of Captain Brown, I can add any thing to what the Court has heard; at the same time I thought it advisable that every one of the staff officers who were with General Whitelocke that day should be here, ready to answer any questions which the Court might think fit to put to them. I have no reason to believe that I can give any additional information to the Court; therefore, I shall not ask Captain Brown a single question; but I thought it right to call him, and offer him to the Court, in order that the Court may have the opportunity of putting any questions to him they may think proper.

*Sir William Medows.*—The Court has nothing to trouble Captain Brown with.—*The witness withdrew.*

*Judge Advocate.*—With regard to the 4th charge, the Court, upon looking into it, will perceive that the evidence of one witness would be indispensable; namely, that of Lieutenant-Colonel Brown, who was left in command of the garrison at the fortress of Monte Video. He was extremely anxious to quit London; and, that circumstance having been mentioned to Lieutenant-General Whitelocke, he stated that he was ready to admit the only fact which I could find it necessary to call Lieutenant-Colonel Brown to prove. It was unnecessary, therefore, to give him the trouble of coming, and the Court the trouble of hearing his evidence. The facts which he was to state are these; and which I understand are admitted by Lieutenant-General Whitelocke: that the fortress at Monte Video was well and sufficiently garrisoned and provided against attack, and was not at this period (meaning the period of the treaty) in a state of blockade or siege.

These facts being admitted, of course the necessity of Lieutenant-Colonel Brown's evidence is done away; therefore it will be entered upon the minutes, that it was admitted by Lieutenant-General Whitelocke that, at the period of the treaty, the fortress of Monte Video was well

and sufficiently garrisoned, and provided against attack, and was not, at such period, in a state of blockade or siege.

I have now to inform the Court that I have concluded the evidence on the part of the prosecution. The Court will decide when Lieutenant-General Whitelocke shall enter upon his defence.

*Sir William Medows.*—Lieutenant-General Whitelocke informs me he shall not be ready to proceed with his defence before Monday. The Court is, therefore, adjourned till ten o'clock on that day.

Adjourned.

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*Page 23, after the question—*

Q. Had you no communication with Lieutenant-General Whitelocke as to the propriety of undertaking the expedition against Buenos Ayres before he left Monte Video?

*Read as follows:*

Lieutenant-General Whitelocke here stated an objection to this question being put, viz.

General Whitelocke understands that the object of this evidence is to show that the attack was undertaken at a wrong period of the year with reference to seasons. General Whitelocke has no objection to the fullest investigation, nor to this evidence, if the Judge Advocate states that it is introductory to, or explanatory of, any one of the charges; but, as a distinct subject of charge against him, he objects to it.

Contending that the subjects of charge are specified, of these he had notice; against these he comes prepared to defend himself; and that no general words which are followed by specific charges can authorize going into any other heads than those specified. The investigation, otherwise, may be endless; and all the use of specifying charges done away.

*Page* 185, *after the question*—

Q. Was any part of the articles of equipment belonging to your regiment made away with at any time?

*Read as follows:*

Lieutenant-General Whitelocke objected to this question: observing, "that he has most cautiously avoided "taking any objections, or interfering in the course of pro- "ceeding, that it might not be supposed possible that he "had any wish to prevent the fullest investigation taking "place. But the length to which irrelevant evidence "must protract these proceedings, is, in itself, a very seri- "ous consideration. He cannot, therefore, but submit to "the Court the propriety of considering whether this evi- "dence can in any way affect the charges, or come within "them. The subject under consideration is the attack "upon Buenos Ayres, and (as the Court have determin- "ed) the previous arrangements for that attack. Can any "thing which relates to the disposal of stores left behind, "be essential to the investigation of these charges? If it "is gone into, Lieutenant-General Whitelocke must, in "his own justification, hereafter explain it; however "unimportant, comparatively speaking, it may be, as con- "nected with the charges."

*Page* 190, *before the examination of Sir Samuel Achmuty, read as follows:*

Brigadier-General Sir Samuel Achmuty to begin his narrative from the time he came under Lieutenant-General Whitelocke's command, and to continue it up to the night of the 4th of July; to state the circumstances of the particular corps under his orders; its strength; state of equipment for service; to describe the occurrences; difficulties of the route; face of the country; from the place of landing to the heights occupied on the evening of the 28th of June by the advanced corps.

Pursue your narrative through the different days' marches, stating what was the face and appearance of the

country each day; the difficulties, if any, which presented themselves to the advance; whether any, and what, appearances of hostility manifested themselves, either from a regular force or from the armed peasantry; whether the habitations were or were not deserted, what prisoners were taken; what intelligence was each day obtained of the enemy's preparations, plan of operations, particularly as to the defence of the bridge, and the different passes of the Chuello.

What reconnoitring parties were made previous to the arrival of the main body on that river; why the passage of the bridge was not attempted.

Relate minutely all the occurrences of the 3d and 4th of July; particularly whether any, and what, measures were taken during those days for assuring the success of the attack proposed for the next day, either by bringing up artillery, troops, opening communications between the different corps of the army, and reconnoitring the approaches of the town.

State the intelligence obtained from the prisoners as to the designs of the enemy, and his plan for the defence of the town.

State whether the advanced corps was selected from those best calculated for that service; and whether the main body was, or was not, duly supplied with provisions, ammunition, and every other requisite for service, as far as circumstances would permit.

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A few impressions were taken off before a mistake was discovered in page 388,—that of the last line of the page being placed at the top.

# THIRTIETH DAY.

MONDAY, MARCH 14, 1808.

A letter was received from General Pigot, stating that he was confined to his room by an attack of the gout in both his feet, and enclosing the certificate of Mr. Young (his surgeon) verifying the fact.

## GENERAL WHITELOCKE READ HIS DEFENCE.

Mr. President and Gentlemen of the Court Martial,

THE satisfaction I feel in being at length permitted to claim the attention and indulgence of the Court, is proportioned to the anxious impatience with which I have looked forward to this opportunity of explaining my conduct in South America, and the causes that led to the result which constitutes the subject of the present investigation. The disappointment of the hopes I had entertained of the success of an expedition, upon which such expectations, in every point of view, military, political, and commercial, had been formed, had prepared me to meet a strong and general feeling corresponding with my own, the natural and almost necessary attendant upon public disappointment and misfortune. I had prepared myself also to hear the clamours of the disappointed, and strictures upon my conduct from those whose wishes and interest led them to judge from events only, without any adequate means of information. But feeling conscious that I had zealously endeavoured to perform my duty, and that in the ultimate sacrifices which adverse circumstances had induced me to make, I had disregarded all interested considerations, and been actuated only by public motives; I confess it was with surprise as well as mortification, that I found, on my return, that the opinions which had been so industriously propagated as to my conduct in South America, had in some degree been entertained in higher quarters; that calumnies the most injurious to my character had been made the subject of official discussion; and that no individual having offered to stand forward as my accuser, proceedings (novel in our military jurisprudence, however they may be sanctioned by other courts), were adopted, for the purpose, as it should seem, of collecting evidence to convert those calumnies into matters of charge. While I was absent, the conduct of myself and others had been prejudged, and made the

subject of intemperate and premature discussion in the daily papers, and I had been, without trial, or even inquiry, held up to public indignation, as having disgraced myself and my profession, and the military character of my country. As soon, however, as it became known that the Government had determined that an investigation of my conduct should take place, the editors of the public papers, actuated by a sense of decent propriety and common justice, immediately forbore any further comments. But a subaltern officer who served in the expedition thought fit, with a full knowledge of my being under arrest, and therefore, to all purposes of law and justice, upon my trial, to publish a libel upon the conduct of myself and others, for the express purpose of procuring a profit to himself, at the expense of a gross violation of every principle of honour or feeling and of the laws of the country, endeavouring to keep up and excite the strongest prejudices of the public against me: and a field officer of another regiment has felt no shame in patronising this libel, and distributing it with the greatest industry.

Irritated as I necessarily was at these unmanly attacks, and at hearing the misrepresentations upon which they were founded, and anxious as I must be to retain the good opinion of my country, I yet felt that a regard to my own character and situation, the respect due to the illustrious personage at the head of the army, and to my sovereign, and in a case like this (where the public is so deeply concerned), still more, perhaps, the respect due to this honourable Court, imperatively called upon me to await in silence the opportunity which I found was to be afforded, of explaining to my Sovereign and the country my conduct in the command with which I had been intrusted.

I, therefore, forbore to answer any of the calumnies which have been propagated against me, or to sanction any publication or paragraph upon the subject, and retired until the approach of this trial into the country, denying myself even the gratification of associating with many valuable friends, who have been anxious to show themselves superior to the prejudices excited by popular clamour, and to mark their attention to me since my return. I mention this thus pointedly, to prevent any possible suspicion being entertained that I could sanction, or had any knowledge of, a vindication of, my conduct, which has been published by some person *wholly unknown to me*; and I am more anxious to do this, as the publication alluded to contained strictures upon the conduct of others: and I trust, therefore, that the Court will excuse my having occupied a few moments of their time upon this subject.

The knowledge that my motives and conduct were to be submitted to and judged by a tribunal, composed of persons alone competent from their rank in the service, their habits, expe

rience, and talents, to form a just estimate of all the peculiar circumstances which form the subject of the present investigation, supported me during an anxious period of suspense and procrastination.

I considered my trial as an appeal from popular clamour to truth and justice; from the inordinate ravings of malicious disappointment to the sober discriminations of honourable and candid minds, divested of all those feelings and prejudices which sway and direct the course of public opinion: and I confess I had flattered myself that I should, in this respect, have found a protector even in my prosecutor; that, considering his anomalous and (I hope I may, without offence, say) his almost incompatible duties, he would, in the character of an adviser and assistant to the Court, have divested himself of every feeling connected with public prejudice, and that acting in the capacity of prosecutor, he would have permitted my trial to have commenced at least without the extraordinary comment which excited so much surprise, I believe, in all who heard it; a comment which, in the situation he fills, and considering the last character he is to sustain, after the proceedings are completed, and your deliberation commences, of an adviser on points on which you may require his assistance, I can hardly think could be deemed justifiable at *any* period of such a trial, or after *any* evidence, however strong, which could have been produced.

The Judge Advocate General stated that he should follow the example of his predecessors upon similar occasions, by abstaining in that stage of the proceeding from any detailed observations upon the charges.

The only case of importance, I believe, in which a Judge Advocate has stood in a similar situation to the present, was the trial of the late Lord Sackville, on which occasion the late Sir Charles Morgan, then Mr. Gould, made *no address whatever* to the Court on the opening of the prosecution; and in his reply most studiously avoided offering a single observation that could in the most distant way be considered as addressed to the passions of the Court, although the circumstance that gave rise to that trial had excited more of popular feeling than any which had before occurred; so much so as to leave it, possibly for ever, a subject of historical dispute, whether the judgement even of the Court was not in some measure influenced by that feeling.

I put it to the liberality and candour of the Right Honourable Judge Advocate, whether I have not some right to complain, and cause to lament, that he had not followed the example of his predecessor, and abstained from stating to the public (for such an address could not be intended for the Court), that "*hopes* "had been," as *he* was pleased to say, "*justly* as well as *gene*"*rally* entertained, of discovering new markets for our manu-

" factures, and giving a wider scope to the spirit of mercan-
" tile enterprise, and opening new sources of treasure;" although every information as to the state of South America, and the hostile and implacable spirit of its inhabitants towards us, has proved that those hopes were completely fallacious: that he had abstained from calling in aid of these charges the " daily " attempts to exclude our trade from the continent of Europe, " and even the present crisis of the world; or the aggravation " of the public misfortune, by the accumulated weight of all " these considerations; or the circumstance of reports to my " prejudice having survived the first impressions of public sor-" row, as a proof that they have not originated in the natural " impulse of the human mind, to find an object to condemn." Well may they survive and continue, if in a Court of Justice these topics could be enforced with such studied strength of expression, by a person whose rank and station in life, and public character in this Court, could not but stimulate the already too much exasperated state of the public mind upon the transaction now in question.

I am satisfied, that when the Court advert to the manner in which I have been pursued, and I may say condemned, by public clamour, without trial or inquiry, they will forgive my having made this comment; and will permit me also to state a more serious ground of complaint which I cannot but think I am entitled to make, upon the manner in which the prosecution against me has been conducted, and the nature of the evidence which has been produced.

A misfortune naturally exciting strong public feeling, may impose upon the Government the duty of directing that the causes of that misfortune should be investigated. Such an inquiry is, as the prosecutor has justly stated, as necessary to *my* vindication, as it is to the public satisfaction. If I have been unfortunate, but not culpable, it is the only means by which I could hope to stem the tide of prejudice: and if I have been culpable, it is necessary for the purpose of ascertaining the degree of my offence, and of presenting to the public authentic materials upon which the Court's judgement may be formed of my conduct. A great and important expedition has failed. The reasons of its failure are to be sought for in the measures of the person responsible to the public for its success; and no difficulty could have arisen, indeed no difficulty did arise, in selecting particular events and facts which led to this failure, as grounds of charge against myself, and for which I was to account. I did not complain, because I did not feel that I had a right to do so in such a case, of additions being made to the particulars so selected, after my first receipt of the charges, which, with a candid liberality had been delivered to me, as soon as framed, for the purpose of enabling me the bet-

ter to prepare for my defence: but I had hoped, when I read the charges finally settled, containing such specifications, and with such epithets as could not but excite feelings of the greatest mortification, that I had seen the whole of what was to be alleged against me: and little did I expect or imagine, that I was to be called upon to recollect and defend every act, every order, every expression, and almost every thought, not of myself only, but of others;—every detail, however minute, and whether it had or ought to have been brought under my cognizance as Commander or not; in short, as the prosecutor has avowed and stated, not merely the cause which prevented the reduction of the province of Buenos Ayres, but my whole conduct in the expedition; an investigation now, as he truly stated, for the first time, and, I hope, for the sake of justice, for the last time, instituted in a Military Court. Still less could I suppose, that the protection of the Court could have been necessary to prevent a prosecutor, educated in legal habits, from pursuing me even to my private moments, and requiring my Secretary to state all the conversations that, in the confidence of our relative situation, had passed between us; and yet it is at this point only, and through the interposition of the Court, the Prosecutor has stopped in his inquiry. I entreat the Court *calmly* and *candidly* to review the evidence, and to separate (no easy task) that which is *applicable to myself*, from that which applies only to others; but more particularly to separate the evidence of opinions as to our operations *founded upon experience acquired by misfortune, and not from opinions founded upon any thing that was or could be previously known before the operations took place*, and upon which alone I could have acted, and by which alone I am to be judged; in short, to advert to all the evidence which applies, the result and subsequent knowledge, instead of previous information, as the criterion by which the propriety of the measure adopted is to be tried. Let it not be said that this arose out of the nature of the prosecution; for if it did, nothing can more strongly evince the injustice of such a course of proceeding. An arrangement which leads to such consequences cannot be correct or proper, or the subject even of excuse. The *accused* has no *protection* against it; nor, in fact, can the Court effectually check or control the irregularities arising out of such a mode of proceeding; a natural jealousy of any interposition which might bear the most distant appearance of shutting out any investigation, however remote its application, prevents the possibility of his interference. I hope I cannot be accused of having interposed captious or trifling objections: I have studiously endeavoured to avoid doing so. The Court, in elaborate narratives on such extended grounds, comprising every act and word, can hardly interfere with the course of proceeding, or

mode in which he has prepared himself (upon mature consideration, it must be presumed) to bring forward the evidence, more particularly as he is the person to whom they look for advice. The witness, unless possessed of legal as well as military knowledge, cannot select between that which he is justified in stating, and that which is not evidence against the person charged. It must be supposed that he has adopted this course upon *full consideration.* I could not hope, by an objection hastily interposed and stated, to alter an opinion formed upon long deliberation; and I therefore, in fact, lose the benefit of the protection to which I should have been entitled, and which I should have had, if the Judge Advocate had not also been my prosecutor; the Court lose the benefit of his legal assistance upon the subject on which it is most useful, and the witnesses his *direction* and *control.*

The necessary consequence (and against which I have no protection) is, that every occurrence, every irregularity, every conversation of others, is brought forward, and contribute to make an aggregate most prejudicial to me; not merely with reference to the protraction of the investigation (*in itself no trifling evil*), but also in the impression produced even on those most capable of discriminating that which *is* applicable from that which *is not.* I might with confidence ask every Member of the Court, whether he can possibly divest himself altogether of general impressions arising out of such a course of uncontrolled evidence; and whether the necessary consequence of such a mode of proceeding is not to give a colour and unfavourable complexion to all the errors I may have myself committed; whether it has not an inevitable tendency, even with the strongest minds, to load me with any errors which may possibly have been committed, even by others, from the first hour of my landing to my quitting the continent of South America. I am well aware that no such impression will operate upon the final judgement of the Court. It can only produce, in high and honourable minds, a jealous watchfulness to prevent any such feeling from influencing their consideration of the real merits of my case. But though no improper effect will be produced on the minds of the Court, such a course of proceeding must produce a strong impression upon the public. In addition to this consideration, *I ask those Honourable Members of the Court who have either commanded, or accompanied in high stations, important expeditions and military operations, whether any expedition, or long train of military operations, however successfully terminated, could stand the test of such an inquiry, so conducted.* I put it to the candour and liberality of any individual Member of the Court, who has been so situated, and ask, whether, in looking back with the benefit of *subsequent* knowledge, and experience of localities and circumstan-

ces, he cannot discover a variety of instances, in which he would have pursued a different course with respect to many inferior and accessary details and operations. Let it not for a moment be supposed, that I state this as depreciating the talent of those to whom I am making this appeal. Their high public and military estimation, derived from acknowledged merit as well as success, must immediately repel such a suspicion. I ask only the benefit of it as applicable to myself, in showing the hardship and injustice, in every point of view, of such a course of proceeding; and am satisfied that, when the Court, on their final deliberation, and the public at future periods, apply these remarks to the conduct of the prosecution, and the mode in which the evidence has been brought forward, and to the nature of a very large proportion of it, it will be seen and felt, that I do not complain of this without abundant cause. I think also, that when the Court consider, that from the importance of the subject, from the peculiar nature of the trial, and still more from the professional rank and experience of the Members, this case will be referred to in military history and jurisprudence as a precedent, they will join with me in lamenting that the course of proceeding has put upon their minutes so much evidence of the description to which I have alluded. I most earnestly entreat the attention of the Court to these general observations; and that they will bear them in mind as applicable and auxiliary to many of the observations which I shall have to make upon the evidence in detail: and I am confident that, when the peculiar situation in which I stand here is considered, the Court and Judge Advocate will believe, that it is with extreme reluctance, and under a strong sense of the importance of this part of the case to myself, and to those who may come after me, and be in the painful situation of parties accused, that I have allowed myself to make a single comment upon this subject.

I shall now proceed to the subject of your inquiry.

You are called upon to investigate the causes of the disappointment of the public hopes; to ascertain whether they are to be found in an unskilful and improvident use of the means placed in my hands for obtaining the object in view, or in the false expectations which, from various causes, had been raised upon this subject, and in the false views entertained and acted upon in relation to it. That false expectations have been raised, and false views entertained, I will prove to the Court, from the evidence which has been given, and from what I shall produce, and by arguments so conclusive as to force conviction.

That false information, arising from various interested motives, had been given to the government of this country, my situation has afforded me ample means of knowing; that it has *been acted* upon will appear from my instructions. To a full

explanation upon this subject, which it is my duty to give to the Court, I must request your patient and earnest attention, whether I exercised a sound discretion in the measures which I adopted. It is, in the highest degree, necessary for my defence; for, unless the situation in which I was *actually* placed, with reference to the possibility of obtaining any commercial advantages, unless the political situation of that country, the dispositions of the inhabitants towards us, their views in relation to us, either as to what had passed, or to future intercourse, are fully understood, no correct judgement can be formed upon the propriety of my conduct, or whether I exercised a sound discretion in the measures I adopted or not. I shall enter upon this explanation before I proceed to consider either the charges or the occurrences which preceded or gave rise to them. And I am more particularly anxious to impress this part of the subject upon your minds, because the fallacy and consequent disappointment of the hopes entertained, in relation to our intercourse with South America, have given rise to the greater part of the exasperated feeling, which has been excited by those whose hopes have been thus checked.

A free and unrestrained trade with South America had long been eagerly sought and looked to, as opening one of the widest fields for mercantile speculation. Many circumstances combined to produce this impression, not merely on the public mind, but upon the minds also of many great and eminent statesmen, whose opinions have justly been entitled to the highest respect.

It was known that our commodities were sought with avidity, and procured at any hazard; though necessarily, from the restrictions enforced by Spain, to a limited extent only. It was known that those restrictions were the subject of complaint throughout the greater part of the Spanish colonies. It was also known that the people were divided into factions; and that these various causes had rendered a large proportion of the inhabitants ripe for revolt; and that great numbers were anxiously looking to a separation from their mother country, as the only means of availing themselves of the natural advantages of their local situation. It was therefore naturally concluded, that people who considered themselves as oppressed rather than protected, as excluded by restrictions, founded upon a narrow and selfish policy, from many commercial advantages, would gladly change their government; and that if we were once established in a military post in the country, the above causes would make it easy to open an extensive intercourse with the inhabitants, and new channels for trade and commerce. It was supposed that the character of this country for liberality and good conduct towards those who came under our dominion, ensured us the good wishes of the greater part, and the co-

operation of a large proportion, at least, of the community. The public hopes and expectations were raised to the highest pitch; and no suspicion existed that it was possible for the greater part of the population of South America to entertain any other than a just feeling of attachment to our government; still less, that it was possible that such a rooted antipathy could exist against us, as to justify the assertion (*the truth of which has been proved to demonstration*) that we had not, when I arrived in South America, among the inhabitants, *one single friend in the whole country.* Whether the opinion of the illustrious statesman, now no more, who had so frequently turned his thoughts towards South America, had led him to contemplate the propriety of establishing military posts there, or the co-operating only with those who would gladly have followed the example of North America, and availed themselves of our assistance in establishing their independence, I have no means of knowing; but experience has shown, that any other course of proceeding than that last mentioned, even if most successful, and almost in proportion to success, must have had the effect of placing us at a greater distance than ever from our ultimate objects—those of friendly intercourse and trade with the country. An attack, however, attended with temporary success and ultimate misfortune, had taught us to estimate, rather more highly, the difficulty of obtaining an establishment in the country; but the delusion upon the subject of the feelings of the people towards us still prevailed. Various motives and circumstances contributed to promote and keep up this delusion. The mercantile interest felt unwilling to relinquish the hopes and expectations so long entertained, and which had been raised to the highest pitch by the attempts which had been made to gain a footing in South America, *though evidently proved, by the recapture of Buenos Ayres, to have been premature.* Those who had directed and made that attempt were unwilling to believe or admit that the whole population of the country were originally hostile to us; still less, that they had become hostile from any thing which had occurred in the capture of Buenos Ayres, or during the period of our retaining possession of it.

The first admission would have condemned the original attack as ill-judged in point of policy; and the last would have implicated the conduct of those who took, and for a short time kept, possession of Buenos Ayres.

Monte Video had been represented by persons, who had been in the Plata, to be garrisoned by a few hundred men, two thirds of whom were stated to be ready to join us; and persons engaged in trade, more particularly the South Sea whalers, who were anxious to establish the means of having an outward freight of the articles of this country, were daily sur-

rounding ministers with representations of the state of the country, which, from the apparent accuracy, and the supposed authenticity of the sources from which they were derived, it was almost impossible to doubt. The very able officer who acquired so much distinction in the capture of Monte Video, went out under those impressions. I sailed under the same impressions—my instructions, to which I must call the attention of the Court, were founded on the information I have detailed.

It is supposed in my instructions that, after effecting my first object, I might safely part with a proportion of the force under my command, and retain only about 8000 men, which it was supposed must, in any case, "*in addition to such troops as I "might raise in the country,*" be amply sufficient to conquer, and keep possession of the country; for such had been the misrepresentations to Government upon this subject, that it was supposed that a considerable force of this description might with safety be established. I was directed (as the Court will have observed) to use precaution as to the raising of this local force, and particularly to take care that one third of each rank of officers should be British, and to select the description and classes out of which it was to be formed; but, subject to these precautions, it was *conceived, and so stated in my instructions, that much aid might be derived from this source towards securing his Majesty's possessions in that quarter, and avoiding, at the same time, the necessity of too large a demand on the regular forces of this country*—(I use the very words of the instructions) —such, as the Court will have seen, was the impression in this country, on my appointment to the command. *What was the actual situation of the country on my arrival?*

I naturally resorted to the very able and experienced officer who commanded at Monte Video, and who had diligently employed himself in acquiring every possible information upon this subject. I found that, in the course of his operations against Monte Video, and after its capture, he had had every reason to believe that *the people were, without exception, inimical to us.* That, previous to the surrender of MonteVideo, he could place no confidence in any information he received; and that, after its capture, a sullen silence pervaded every rank. But he also found reason to believe that, however inimical they were to us, they were still more so to their present government; for, upon reports arriving at Monte Video, which afterwards proved false, of the abolition of the Court of Audienza, the setting aside of the king's authority, and not hoisting the Spanish colours: those who had before appeared hostile and inveterate, now pressed him to advance a corps to Buenos Ayres, and assured him, that, if he would acknowledge their independence, and promise them the protection of the English Government, the place would submit.

The escape of General Beresford and Colonel Pack proved these reports to be false; but, that the Viceroy had been made prisoner by his own people, and that the city was a prey to disorder and tumult.

A hope that this disorder might aid our views, induced Sir Samuel Achmuty to write to those who possessed the supreme authority in Buenos Ayres.

His letters were answered by General Liniers, the Audienza, and the Cabildo.

General Liniers concludes his letter with these words:—*I have only further to observe, that the determination of the people, as has been represented by their magistrates, is irrevocable; they are resolved to defend themselves to the last extremity, and prepared to make their defence memorable.*

*Your Excellencies will, therefore, avoid making any further offers; for be assured, that no answer will be returned, and that nothing but force can decide our fate.*

The Audienza say, "*The offer your Excellencies now make us of our laws, religion, and property, under the protection of the English Government, is conformable to the conduct held by Major-General Beresford. It is an offence against the high honour of our nation, and we understand it as such. Spaniards only value their property and their lives, that they may employ them in the service of their King.*

*The people of Buenos Ayres are the most faithful to their Sovereign of any who acknowledge his dominion, and feel themselves happy to be under it, and are anxious to sacrifice every thing in proof of their loyalty.*

*The numerous troops which we have here are prepared and disposed to make the most vigorous defence; and the premature proposals with which your Excellencies have endeavoured to weaken their love for their King, have produced no other effect than that of indignation, which will impress every one with energy to resist any attempt to destroy their happiness.*"

The Cabildo state, "*We are prepared to spill the last drop of our blood, to prove to the world, that we are good subjects, and true Spaniards, and that we are lovers of humanity, even towards those who, off the Cape St. Mary, violated it in the manner which was witnessed by the whole universe.*"

I would not quote the answers of a General, or of public bodies, to such a letter in proof of their sentiments, if every subsequent intercourse and event had not shown, that in enmity towards us they too truly expressed the real feelings of the writers, and disposition of the country.

They are unanimous in their determinations, and so they proved to be in their conduct towards us.

Sir Samuel Achmuty found that there were two parties in the city.

The party in power were mostly natives of Spain, in the principal offices of church and state, and devoted to the Spanish Government; and accordingly the Court will observe, that the ground of rejection of Sir Samuel Achmuty's proposals by the Audienza, was determined loyalty; a sentiment that is scarcely alluded to in the letters of General Liniers or the Cabildo.

It had been their policy to inflame the minds of the lower order against the English, by every species of exaggeration and falsehood, and to lead them to such acts of atrocity, as might preclude the possibility of any communication with us.

From a consciousness that similarly situated they would breathe nothing but revenge, they expected no mercy, and were become desperate and determined.

The second party consisted of natives of the country, with some Spaniards settled in it.

The oppression of the mother-country had made them most anxious to shake off the Spanish yoke; and though from their ignorance, their want of morals, and the barbarity of their disposition, they were totally unfitted to govern themselves, they aimed at following the steps of the North Americans, and erecting an independent state. If we would promise them independence, they would instantly revolt against their government, and join us with the great mass of the inhabitants. But, though nothing less than independence would perfectly satisfy them, they would prefer our government either to their present anarchy, or to the Spanish yoke, provided we would promise not to give up the country to Spain at a peace; but, until such a promise was made, we must expect to find them open or secret enemies.

Such was the information I received from Sir Samuel Achmuty, which I have detailed in the very words in which he had, shortly before my arrival, communicated it to the government here; and which I use, because I could not so clearly, so forcibly, or so concisely, state it in other language. Every day produced occurrences which went to confirm the the truth and accuracy of this account. We could not obtain intelligence upon which we could place the least dependence, we could neither procure guides, nor accurate accounts of the country for our future operation. Force procured us all we possessed; good-will, nothing; and, but for some accidental circumstances which threw in our way two or three persons, who had some slight knowledge of the country, we should have been wholly destitute of any information whatever. The evidence which has been given on the second charge, has shewn how very scanty our stores of information were.

I have gone at considerable length into these preliminary points; but, as without an accurate knowledge upon this subject, no fair estimate can be made, either of the difficulties

which I had to encounter, or of the circumstances and motives which ultimately guided my decision, I feel satisfied that the Court will forgive my thus trespassing upon their time and attention. Every thing valuable to me in life is at stake upon the issue of this investigation. I have been the object of the most virulent attacks and intemperate observations, and I am too well aware that the clamours which have been raised and kept alive by the *interested and disappointed*, may have produced considerable impressions upon the minds of some whom prejudices and popular outcry ought not to affect. If these attacks and clamours had been confined only to the interested and disappointed, I should have disregarded them as the offspring of mean and selfish passions; for I knew the sources from which many of them sprung, and the causes which had produced them. Needy adventurers, either speculating on their own account, or as agents for others, who had looked to our intercourse with South America as a source of unbounded wealth, found their sanguine expectations of gain defeated. Many who had looked to situations and employments in the newly-acquired territories, saw the termination of all their hopes and prospects. All these descriptions (and they were numerous), considered the person who had given up South America, as a personal enemy; as the destroyer of all their hopes and prospects; and few had either the information or means necessary to ascertain whether their disappointment arose from the fallacy of their own hopes and speculations, even in the event of the success of the expedition, or from the failure itself; still less were they inclined to submit to any personal sacrifices for any object of public interest. I wish to except from these observations, many respectable merchants and individuals, who were actuated by very different feelings, and towards myself have pursued a different line of conduct. I cannot, and I should be unworthy of the situation and rank I have filled in life, if I could be indifferent to public opinion; I am well aware, that a very general irritation has been produced upon this subject; and I know that this feeling has been increased, if it has not in a great measure been exerted, by a false estimate of the value of what might have been gained, and of what has been lost. I have hitherto, from motives of duty, refrained from discussing even this *general* part of the subject, however much it might have tended to allay the feeling which had been excited; and I trust the Court therefore will forgive the anxiety I have felt, to enter so particularly into it now.

I will now proceed to the charges. The Court will see the application of these preliminary remarks, and I trust, feel their importance, in the future consideration of this case.

I am most anxious not to trouble the Court with irrelevant or unimportant details, more particularly as the length at which I

have already been obliged to comment on preliminary points, and at which I must observe upon the really important parts of the case, must necessarily induce a wish not to occupy the time of the Court on inferior consideration. In considering these details, I feel under a difficulty imposed upon me by the manner in which some points have been stated, and apparently pressed with eagerness, when I objected, and afterwards forgotten; I will endeavour, however, shortly to observe upon those which do not seem to have been wholly dropped, in the order of time in which they occur, as that course will best enable the Court to pursue the subject in a connected detail; and, in this view, I will first dispose of that part of the subject which relates to the time of year chosen, and the preparations made, before I left Monte Video.

If in adverting to any of these subjects, I occupy the time of the Court upon points on which they are already satisfied, I trust it will be attributed to the course pursued in the prosecution, and the impossibility of my ascertaining whether any impression has been made by them or not. I will candidly tell the Court the motives which led to each determination; and in many cases, to a choice between opposing difficulties, not contending that in every instance the choice I made, even upon the view of the subject presented to me at the time, was the best, for it would be the height of presumption in me to do so, still less that subsequent experience and consideration, and events, may not have proved that I might, in many instances, have adopted better measures. But it will, I trust, appear to the Court, from the details which I am about to give, and the evidence to which I shall refer in support of my statement, that I have been actuated by a zealous wish to perform my duty, and, so far from obstinately pursuing hasty preconceived opinions of my own, have, in all cases, availed myself of the local knowledge of others, and determined, unhappily for myself, in some instances, as I thought circumstances compelled me to do, even against my own judgement.

I expected, on my arrival, to find a large proportion of the inhabitants prepared to aid our views, accurate information for the arrangement of future operations arising from friendly intercourse with them, and a body of cavalry formed, or at least the means of forming it. I found a country completely hostile, in which we could not by conciliation or interest procure a friend either to assist or advise us, or afford the slightest information. Horses, but no adequate means of feeding them, and which, therefore, though well adapted for the armed inhabitants, who turn them out when tired and take others, could not, until time and possession of the country had matured a new system, form an effective body of cavalry.

No one circumstance accorded with the information I had

received, or by which I was directed to act in my instructions. The same causes operated both to lessen the resources which were considered available, by those who sent me, and to increase the obstacles which were to be overcome by the means within my reach.

I immediately began to make the most active exertions to counteract the effect of these disappointments, directed steps to be taken by General Lumley for increasing our cavalry, and the most unremitting efforts to be made at an unusual expense by the Deputy Commissary, who had been some time resident in the country, to procure grain, particularly for feeding and improving the effective condition of the cavalry, ordered pontoons to be constructed, and every other preparation which occurred to myself, or was suggested by the experience of others; and it has neither been stated, nor attempted to be proved, that I either neglected any suggestion on that head, or failed in giving every facility and encouragement to the different departments connected with our preparations. The direct contrary has been proved by the officers of cavalry and artillery, as to their departments, and I can hardly think that the evidence of the Commissary-General, who had been only a few days in the country, and possessed no local knowledge to make up for want of former experience in active service, would prove any failure on that head, to which, however, I will more particularly advert hereafter.

The first subject of consideration was the season of the year. On full consideration I finally determined upon attacking Buenos Ayres before the winter season of rains, to which I was induced by many motives. I knew that, upon the arrival of General Craufurd, I should have collected all the force which I could expect, and all the transports which I could hope to procure for their conveyance. The difficulties to which I have alluded were not such as could be either obviated or in any way lessened. Delay, therefore, would not add to our means of attack, while the exertions of the enemy would be increased from day to day, and more particularly when they heard of the accession of our force, by the troops under General Craufurd; and troops, or, at all events, officers and arms might have arrived from Europe. The frigates taken by Sir Samuel Hood were at one time supposed to have been destined to South America. It appeared, therefore, to me, and those with whom I consulted, that it was most advisable to make every necessary preparation, before the arrival of General Craufurd, and commence our operations as soon as he joined; and, in order that I might lose no time, and might reach Buenos Ayres before the rains commenced, horses, stores, and troops were, as has appeared in evidence, embarked the moment we heard of his arrival in the

river Plata. Unfortunately, contrary winds detained him until the approach of the rains; but we had still hopes to accomplish our main object, and, at the same time, put the troops under cover, which could only be done at Buenos Ayres; for, at Monte Video, we must either have turned out the inhabitants, or erected barracks for that purpose. Before I quit Monte Video, I must advert to circumstances which have been proved, as to the equipments of the cavalry. Upon this subject I beg to refer the Court to the orders given for the reduction of baggage, dated the 3d and 11th June. When the Court considers our limited means of conveyance for horses across the river, and the inefficiency of those we could convey, the reduction of the baggage cannot be thought a matter of trifling importance. I request the Court to compare the evidence which has been given upon the subject of these equipments with the orders. It has appeared that I directed different officers, and General Lumley in particular, to communicate with my second in command upon the details of the army, particularly relating to the cavalry. A difference arises, at a period when unanimity was most essential, between my second in command and General Lumley. I had no knowledge of what had previously passed, nor can the language used, with reference to the king's regulations, affect me; this difference is referred to me. I directed the former orders to be carried into execution, but am I criminally answerable for the mode of carrying them into execution? I was wholly ignorant of any thing which passed, except as it related to the general orders for lessening baggage, upon which I certainly felt some anxiety; and I am satisfied that the Court will see that the precipitation, or want of care, if there was any, with which the order was executed, or any harshness in the manner of doing it, could not impeach me, even if it had affected our preparations for crossing the river, which it is distinctly in proof it did not, for we carried complete equipments for all the dismounted cavalry in the country. In fact, I do not even recollect ever to have heard it, before the detail which has been given in Court upon this subject. That I was inattentive to the cavalry, has been completely disproved by General Lumley, who expressly states, that I afforded every facility and encouraged every exertion upon that head; and that, accordingly, every exertion was made as to collecting horses; and I shall further, as I before stated, show my anxiety to render them in every respect effective, by the great exertions made to procure food for them. I will next advert to the transports, to the horses and stores landed, and the place selected for landing, upon which I should not even make an observation, if the prosecutor had not appeared, on various occasions, in the conduct of this case, to rest much upon the expediency of landing above the town, and using flat-bottomed boats for that pur-

pose. Colonel Bourke, Quarter-Master-General, was sent up, with a most intelligent and active naval officer and four pilots, to reconnoitre the river. I think I shall not be considered as having acted wrong in submitting to the opinion of that naval officer, as to the impracticability of carrying the transports so high up. The distance, at which the vessels carrying the troops must have remained, would have made any attempt to land the men above the town, even if we had possessed the most ample means of conveyance, highly imprudent. The report of Colonel Bourke, upon whose intelligence and opinion I could not but place the strongest reliance, added to the knowledge of the difficulties encountered by General Beresford in crossing the marsh at Quilmes, after a continuance of some months of dry weather, and the precaution taken by the enemy of erecting a battery on the high ground above Quilmes, induced me to discard all idea of attempting that point. I trust that, on a review of all the evidence upon this subject, I shall not be accused of using unnecessary caution, in selecting a place of landing which afforded shelter, instead of using boats to carry the troops a great distance in an open sea, after the evidence the Court have heard from Admiral Murray upon the subject of the river Plata, and the sea which continually runs there, and his account, that even the gun-boats, which are, as he stated, much larger than the men of war's boats, would have been sunk, if they had been off Buenos Ayres, instead of lying in a sheltered situation, on the 2d of July. The impossibility of marching to Colonia, and crossing there, has been completely shown; and the concurrence of opinions of Colonel Bourke and Captain Thompson as to Ensenada, our knowledge of its being the embarking and disembarking place for the merchandise of Buenos Ayres in all large vessels, the presumption arising from the above circumstance, confirmed by our information, that the road was good to Buenos Ayres, and that the swamp was sound and could be crossed by a coach (the expression used by our guides), at any season of the year, all led me to fix on that spot as a proper one for landing. I proceeded, therefore, to Ensenada. Upon the subject of transports, Admiral Murray has distinctly proved, that every transport, capable of going up the river, was used, and the troops from those whose draft of water would not admit of going up were doubled up in the vessels of smaller draft, for the express purpose of carrying as many horses, and as large a supply of stores as possible; and unless, therefore, we had left infantry behind, and that in the proportion possibly of about six or eight men for one horse, we could not have carried another horse with us for any purpose. That no supernumerary horses were allowed for the staff will appear, from the orders upon that subject, which were strictly carried into execution. It may be

proper here, also, to mention, and I request the favour of the Court's recollecting it hereafter, that cavalry, comparatively speaking, could be of little use in our first operations, particularly for the attack; without infantry they could not act even as escorts, as has been proved by Captain Whittingham and others; and, until we had taken Buenos Ayres, and been sometime in the country, various local circumstances would have prevented our forming any effective body of horse. It has been stated, by Colonel Mahon, that the casualties in the horse were unusually great, and, in fact, the cavalry daily decreased, and became less capable of service.

The next, and, indeed, the most important part of the subject, as connected with preparatory details, is that relating to the arrangements for a supply of provisions, upon which the Commissary-General seems to have considered himself not sufficiently consulted by me, and, in some instances, misled by the Quarter-Master-General. From his late arrival with General Craufurd, he could have no local knowledge; and the preparations, with respect to the quantity of provisions to be carried by the victuallers, and transports, and the Lassomen, had been made by the Deputy Commissary, who had been long resident in the country. The Commissary-General has stated, that he provided and took with him six light carts and mules, which, it has been proved, are more used for draft, in that country, than horses: this was, as I think I shall show to the Court, the only preparation which, with reference to our means of conveyance and the objects in view, could be necessary, in addition to those made before Mr. Bullock's arrival. I shall have occasion to call Lieutenant-Colonel Bourke on my defence, and must certainly, in justice to him, ask some questions upon part of the evidence of Mr. Bullock, which has much excited my astonishment, as it must have done that of the Court, namely, what relates to the distance of the place of our landing from Buenos Ayres, and the supposition of the army re-embarking.

In order to apply the facts proved to our situation and to my conduct, I will shortly state to the Court the impression under which I acted, and the reason for no more preparatory arrangements being made; and will shortly advert to what has been proved to have actually taken place upon this part of the case. It has been proved, that my original intention was to take a position to the westward of the town, that is, on the heights of the Recollata and Tauros, with my left to the Plata, and then communicate with the fleet, and land provisions and stores. I was certain of a point of communication with the fleet on the march at Quilmes and Reduction; for though Quilmes might not be an eligible place to land at, with the enemy in possession of the height above with artillery, still it was

obvious that, as soon as we were in the possession of Reduction, we could communicate with the fleet, and get provisions in various ways through the marsh, even if it should be impracticable for horses and artillery, which, on examination by one of the officers of the staff, it in fact proved to be. I had accordingly made no particular arrangements as to the march, but procuring all the Lassomen we could get, and taking the light carts provided by the Commissary, and directing, as an additional precaution, that pack-saddles should be carried for the horses, in order that, as our means of transport for horses did not allow of our giving a separate establishment of horses for the Commissary, I might transfer a portion of the mounted dragoons to the commissariate, in case it became necessary for the march.

No doubt was entertained of three days' ready cooked provisions being sufficient to subsist the troops to Reduction; at which place another supply of three days would have carried them to the north-westward of Buenos Ayres. Looking to the possibility of a necessity for falling back, from some unforeseen causes, before arriving at either of those points, a victualler had been left at the Ensenada, and another at Reduction. Such was the idea upon which I set out; and that plan, it will readily be admitted, was simple and easy to be executed, and required no further arrangement than what had been made. On hearing the reports of the nature of the swamp, after landing, and having further intelligence of the many rivulets between Reduction and the Ensenada, it appeared an object to carry on some supplies contrary to my original intention; for this purpose I ordered two troops of the dragoons to be turned over to the service of the Commissary; and, by this means (though much was lost) yet some bread was carried on even to the last day's march.

The Court have heard the swamp described by officers who have served in other countries.

It has been proved, that five of the guns were left in it; that the light carts belonging to the Commissary, with the spirits, could not be brought through it, and that, in the attempt, all the casks, except one, were staved. When the Court advert to the intelligence which I had received, as to the landing-place and swamp, and road to Buenos Ayres; the reasons I had, from the use made of the Ensenada de Barragon as a port of embarkation for merchandise, to suppose that information to be correct; and the evidence which, after a long investigation, has, in detached parts, been given upon the subject of these preparations; I cannot but flatter myself that no blame can be imputed to me on these points, as far as they apply to preparatory arrangements; and I should not do justice to Lieutenant-Colonel Bourke, or those employed in surmounting the obstacles opposed to our progress by the swamp, if I did not say, that the delay in reaching the heights cannot be imputed to

them; for, I can with truth say, that more zeal or resource was never shown, nor more indefatigable exertion used, on any similar occasion.

It is with some reluctance that I enter so much at length into this subject, or advert to this obstacle of the swamp, or those which occurred afterwards upon the march of a similar description, lest it should be supposed that I either then or now considered them as obstacles of any real importance on the great scale of our operations. I wish to be understood as not having viewed them in that light at the time, and as not using them in that way now. I am unavoidably compelled to enter into these details, and to appear to attach importance to matters of very trifling comparative moment to those which you are called upon to consider by the conduct of the prosecution, and the consequence given to those inferior arrangements, by the mode in which they have been scrutinized, and the time they have occupied. I use them merely for the purpose of proving that the country, with reference to some of those localities, is different from all others in which our armies have before served; and that, therefore, with respect to various circumstances connected with our movements and inferior details, rules applicable to other countries do not apply. How far it was either necessary, proper, or called for, in a case of this description, to enter into a history of all those details, is not for me to judge. I am bound to meet every accusation, and repel every imputation which is attempted to be cast upon me; and in that view I rely upon the candour of the Court for excusing my occupying their time so long on these parts of the case.

Notwithstanding all the exertions which could be made, the artillery which proceeded from the main body did not reach the height until the 29th of June; and the whole of the army, and remaining artillery, did not arrive on the heights until the evening of the 30th.

I was aware that the men would have to suffer some privations, from want of spirits, and loss of part of their bread; and I well know that, in all such cases, those who suffer are apt to consider every difficulty they are called upon to encounter, and every hardship they endure, as proofs of neglect in those above them; and that the inevitable consequence is a want of confidence in the General, to whose failure in arrangements all those privations and difficulties are imputed, as every body, after such occurrences, is fertile in expedients which would have obviated them: in this point of view only could they be of any importance in this case.

Sir S. Achmuty, who mentioned the want of confidence in the soldiers in his evidence on the fourth charge, expressly states, that the men complained on the 2nd of July. Other officers, who were examined on that point, heard of no discontent among

the men; and it seems to have made an impression upon the mind of Sir S. Achmuty alone.

As far, therefore, as they are explanatory upon that point, I have to thank the prosecutor for having introduced the subject: for, I trust, the Court will be satisfied, that no blame, or neglect, is imputable to me on this ground.

I gave the orders, with respect to the Commissary's department, which will be read; and, in fact, found, before I left the heights, that there would be no difficulty in procuring a plentiful supply of cattle and sheep.

Before I quit this subject, I must advert to the complaint, I may almost call it, of one of the General Officers, upon the subject of the camp-kettles, Lassomen, and want of spirits. Upon the first, I have only to remind the Court, that the observation of Brigadier-General Craufurd would have been applicable to the old camp-kettles, but was quite inapplicable to those now in use, which cannot be carried by the men. We had only one very small light cart with the army; for those brought by the Commissary could not be got through the swamp. Considering, therefore, that the men carried three days' provision ready cooked, and that we were to communicate with the fleet, camp-kettles were not necessary, and would, with our limited means of conveyance, have been an improper encumbrance. In fact, though the men certainly suffered privations, and particularly felt the want of spirits, of which they most complained; yet there was no actual scarcity, during the whole march, felt by the body under my immediate command, nor by that under Colonel Mahon, nor reported to be felt by that under General Gower. But, on the contrary, on the morning of the 2d, in reply to an observation of Colonel Bourke's, who recommended the halt of one day, to receive another supply from the navy, and for other purposes, this officer said, that his people made no complaints on this head; that they had supplied themselves; and that, in his opinion, no delay was necessary on this account. Brigadier-General Craufurd's brigade must have been particularly unfortunate, not to have fared as well as their companions, especially when it is made known, that there were Lassomen, and a Deputy Commissary, with General Gower's corps; and that, on my joining it on the 1st, I actually found a crawl full of bullocks on the ground it had occupied. Upon the subject of spirits, I had issued orders that small kegs should be provided, and some officers had procured them; others either had neglected to do it, or had been unable to get them. The Commissary has shown the impracticability of bringing on the spirits in carts. When all these circumstances are fully considered, I cannot accuse myself, and I hope and think that the Court will acquit me, of having been wanting in attention, either to preparatory arrangements on these subjects, or of

any failure of exertion in endeavouring to remedy the inconveniences which occurred from the causes I have stated.

That I may not be obliged again to recur to the subject of provisions, I will now notice a question put to the Commissary, "Whether any arrangements had been made to supply the "army at the Coral, if we had not procured the provision "stated by Mr. Bullock to have been found there?" Upon which it is sufficient for me to observe, that I intended, as the Court will find hereafter, to take up a position to communicate with the fleet; and, when I altered that determination, I found an ample supply, which, in the situation the army then was, made any further arrangement unnecessary, as the attack, if successful, ensured us ample supplies, the towns being, as Colonel Bourke has stated, full of corn at that time of the year; and, if we failed, the supply in our possession was much more than sufficient until we could communicate with the fleet.

I have been compelled to enter into many minute details, and am sorry to have detained the Court so long upon them, and will now proceed to the march from the heights of Barragon to Buenos Ayres.

I will now advert to the march; for explaining which, I must again avail myself of the recollection of the Court, as to the nature of the country, and the obstacles which presented themselves; what facilities it afforded of accommodation to the troops, in the articles of provision and fuel; the first rendered necessary by the losses of provisions, the latter not only for cooking the victuals, but also for drying the men, who had on each day's march to wade through deep water, an object of attention to troops just landed after nine months voyage; and what was the nature of resistance which could be opposed to us by the enemy. These, combined with other considerations, which I shall state, induced me to adopt the arrangement of dividing the army in the manner which has been detailed. Whether I adopted the best mode of proceeding, or if I did not, whether any such degree of culpability can attach to me on this head, as to have justified the making it a subject of such elaborate investigation, will be for the Court to judge.—Estancias, or farms, occur at short intervals from Barragon to Buenos Ayres, along the edge of the heights above the swamp; but these farms do not extend into the country to the south-west, so as to have enabled us to move in more than one column, without losing the advantages I have before detailed, of provisions and fuel: at these houses, in general, sheep were to be found; but always fuel for drying the men and cooking the victuals. The country was open, and no enemy appeared to interrupt our progress: for the scattered horsemen which followed and surrounded us, were not an object of attention. No danger, therefore, could arise from the division of the army into three corps; and by

moving in succession, and regulating our marches and halts, as it has been proved was the case, by the situations of these farms, I ensured to the men the accommodation afforded by these farm-houses, without in the least impeding our march, or rather arrival and junction at Reduction; at which place, it has been proved, I meant to unite the army, renew our provisions from the fleet, and land our pontoons, if necessary, with such other stores as we might want. It afforded, also, the advantage of using the advanced division, for the purpose of reconnoitring the country, while the rear division was coming up, without losing time: for which purpose, great part of the light battalion and rifle corps were sent forward with the advance. That this was one of the main objects of sending forward the advance, will appear most distinctly, from the reports of General Gower to me, on each day's march, which I will hereafter read: from one of the last of which it will be seen, that if the distance and circumstance would have permitted, he would have pushed on and reconnoitred the bridge, and occupied it, or passed the river, according to circumstance, on the evening of the 1st of July. That no difficulty could arise in reaching Reduction from Barragon in two days, one of the points inquired into, is obvious; for both the main body under myself, and the division under Colonel Mahon, *did* march from Barragon to Reduction in two days: my division on the 30th and 1st, Colonel Mahon's on the 1st and 2d. Had it been possible, therefore, to have assembled the army on the heights, in the course of the 28th, we should have arrived at Reduction on the 30th. Much evidence has been gone into, as to the march, the length of time occupied by it on each day, the exhausted state of the troops, and frequent halts; and as a very able and experienced officer, high in command, Sir S. Achmuty, mentioned the latter circumstance, in answer to some questions from the Court, as one of the causes of delay, and of the fatigue of the men, I should, if it had not been explained by other evidence, have felt it incumbent upon me to have called witnesses upon these points. But, after the evidence of Colonel Mahon, to which I particularly request the attention of the Court, I cannot feel it necessary. He had four 6-pounders and a howitzer; but, in some measure, to counterbalance the effect of the proportion of artillery with his division, he had 200 seamen to assist them; and the artillery officer was so satisfied with the assistance given to the guns, as to make a report to Captain Fraser, which hardly accords with the detail given by Colonel Mahon, that they occasioned no impediment to the march; but in this Colonel Mahon cannot be mistaken. His evidence is not that of opinion; for, in answer to the prosecutor's questions, he details the number of hours and miles on each day. On the 1st he marched eight miles, in nine hours and a half, including a halt to rest the men, in

the middle of the day. The 2d, he marched before day-light, and did not reach Reduction until after five o'clock, from nine to eleven miles; and on the day he left Reduction, the 5th of July, he marched about half past ten or eleven o'clock, and did not cross the bridge until dark, near five o'clock, the distance about seven miles; and stating that he speaks from experience, and he was the only person who marched that route, says, that he could not have marched from Reduction to the Coral, with the artillery, in one day; he particularly states the unavoidable necessity of continued halts, from the rivulets and the marshy banks, and the consequent delay of the artillery; he proves that every exertion was made by the seamen; and afterwards, in answer to some questions put by myself, he proves, what after the above details was almost unnecessary, that these delays were occasioned by the nature of the country, and that he conceived few countries *would have presented so many obstacles.* It will be recollected, that Sir S. Achmuty was in the rear of my column, and that I was in front with the guns; and therefore, like Colonel Mahon, continually obliged to halt while the guns were crossing these obstacles. After so minute and particular a detail, given by an officer commanding a division, and therefore not a casual observer, but paying attention to these points, I should deem it a waste of time if I made any further observation, or called any further evidence upon that subject.

The Court will recollect, that it has been proved (as I have before stated), that I had intended to have halted at Reduction, in order to bring up Colonel Mahon's brigade, and concentrate the army. The advanced corps, as will appear from one of General Gower's reports, was to have pushed on, to reconnoitre the river on the 1st, and if it had proved practicable, to have occupied the bridge, or as far towards it as possible; but it will appear from General Gower's reports, that, on his arrival beyond Reduction, which village he left to be occupied by the main body, he found the river and bridge at a greater distance than had been reported to us; and accordingly he halted there.

In consequence of this, I determined, as has appeared in evidence, to go forward on the morning of the 2d, and with part of General Craufurd's brigade, to reconnoitre the river and the bridge (which was reported to be burnt), while the navy landed provisions for the troops, and also the pontoons, if our reconnoisance should prove that they were necessary. It has been proved, that orders were given on the evening of the 1st for this reconnoitring on the 2d, and, I trust, the Court will feel I could adduce no stronger proof of my not disregarding the necessary precaution of reconnoitring; but that, on the contrary, the arrangement in respect to that part of the conduct of the army, was adapted to our situation and circumstances. It would not have been prudent to have trusted small parties at any distance

from the principal divisions of the army; and the advanced division of the army, therefore, acted throughout as a reconnoitring body to the other divisions, and, by pushing on that corps, instead of waiting on the heights of Barragon until the whole of the army was assembled, the object of reconnoitring the country, considerably in front, was attained without delaying the advance of the whole. The halt of General Gower's division, just beyond Reduction, brought the main body up, and that circumstance affording a day at Reduction for other objects, I of course prepared to make the most important use of the time, and reconnoitre in person on the 2d. This short and plain account, the particulars of which have been proved to the Court, will, I trust, be sufficient to prove, that I neither disregarded nor neglected this essential point. I will now state the motives which led to my altering this determination. It has been proved, that the rainy period of the year was approaching, or rather arrived; I will not call it *the rainy season*, as the rains, though frequent and heavy, are not so incessant as in the countries where they are so called. I was apprehensive for the health of the troops, if too long exposed, and most anxious to arrive in the vicinity of Buenos Ayres, where only I could put them under cover. An old and experienced inhabitant, one of the only three prisoners we took on our march, had, as the Court have heard, stated his opinion on the 1st, before we reached Reduction, that the rains were coming on, which would have swelled the river, and possibly left us no choice, but that of a direct attack at, or in the vicinity of the bridge, where the enemy would have had a most decided advantage, from the nature of the ground, and a numerous artillery; and in the imprudence of which, the Court have heard it proved every officer in the army concurred. It has been proved that a heavy rain commenced in the night of the 1st of July, and this confirmation of the opinion given the day before, as to the weather, made me apprehensive of the consequences of any delay, even of a day, at Reduction, though for important objects; I therefore in the night determined to move to the left, and turn the head of the river, or cross some ford above the bridge; and early in the morning sent Lieutenant-Colonel Bourke to General Gower, with the orders which have been detailed, from recollection, by General Gower, Colonel Bourke, and Colonel Torrens, the latter of whom, from his very precise recollection of the very terms in which the order was written by himself, will, I have no doubt, be considered as giving the most accurate account, if any thing turns upon the way in which they were worded.

General Gower's answer I will now read, and hereafter produce to the Court, *(Vide Letter.)*

The Court will observe, that if doubt has arisen as to the nature of the orders carried by Colonel Bourke with respect to

our route, it is done away by this answer, which must be taken as expressing General Gower's understanding of them at the time. He states that he will keep the high ground on this side the Chuello, until he could find a practicable ford, or turn the head of the river; and details his reasons for preferring this line of march; and most decidedly states that he *will not even try the Passo Chico:* and this determination was adopted after consulting with the guide, in the presence, as the Court have heard, of Colonel Bourke. It has appeared that, immediately on the receipt of this letter, I put the main body of the army in motion; and that I showed a particular desire to march without delay; and I will prove that in consequence of this letter and the information communicated by Colonel Bourke, I told the guide, who was under Colonel Bourke's directions to lead the column of march, that he was *not* to carry us to the Passo Chico, but to the *next practicable ford above it*, for the express purpose of passing the river at the same ford with the advanced corps. An inspection of the map, and the evidence which I shall produce, will completely prove, that if General Gower had not been led by some cause to alter his route, as expressed in his letter, we should have drawn nearer together in the course of the day, instead of separating. The Court will also recollect, that in conformity with this letter the order of march was immediately altered, as proved by Sir Samuel Achmuty; and instead of moving to the right, as I had done before, when we followed the advanced guard; we marched by the left, keeping by this movement the advanced corps on the right, and between the main body and the river, as in the preceding days. I will call Colonel Bourke, who led the column of march that day, to prove that so strong was his impression that, from the arrangement made and order of march, the columns would close nearer and not separate from each other; that when he saw General Gower inclining in a direction from us, he mentioned it to the guide, who assured him that *we should follow in the same direction as soon as we crossed the Arrojo de Messiel;* and so little did Colonel Bourke then suppose that the two divisions would separate, that he rested satisfied with this answer, and did not even report the circumstance then to me, but made, as he has stated in his former evidence, an unsuccessful attempt to move in a direction rather more to the right, which was found impracticable, and we were obliged to cross the Arrojo de Messeil at the point to which the guide was leading us. It has been proved that General Gower, at a particular part of the march, at the intersection of two roads, turned to the right and followed a body of horse directly to the river, and across the Passo Chico; and I think that upon reading the above letter, looking at the map, and hearing the evidence of Colonel Bourke upon this subject, it will be impossible to impute the separation of the divisions of the army to *me*.

It has been asked, whether General Gower had any orders to *report* any deviation of his route, or any particular circumstance on that day, or whether any steps were taken to reconnoitre the river above the bridge at the Passo Chico? I certainly had given no particular order for reporting on that day, nor taken any particular step for reconnoitring the river, nor could I conceive it necessary. I apprehend it to be the duty of an officer commanding an advanced division under such circumstances, to report. I had received, as I have before stated, reports from General Gower on the 28th, 29th, and 30th of June, and two reports on the 1st of July, though we met each other at some period of each of those days; he even reported particular occurrences in the day, and sent sketches of his position. He had also acted on the whole of the march as commanding a reconnoitring division for the rest of the army, and was provided with troops adapted to that object. The river and passes were at too great distance to justify sending forward any small body; and the waiting the result of any such reconnoisance would have delayed our march, and the main object, that of crossing the river before the rain rendered it impracticable. Having, from the motives I have before stated, abandoned the first plan of approaching the bridge, I was on this march of the 2d placed in the same situation as on the preceding days, with the difference only that both divisions were making a flank movement by our left; but the effect was the same, for the advance, as I before said, was between me and the river, but rather at a less distance than on the preceding days, and even that distance would have been lessened if General Gower had pursued the route mentioned in his *own* letter. I considered his division, therefore, as still acting as the reconnoitring body to the rest; and it is obvious, that if General Gower had pursued the route mentioned in his letter, a prolongation of the march of each division on the line upon which we first set out must have brought us, in the course of the day, or at least before night, not merely within the reach of communication with each other, as on every preceding day, but actually *in contact*, and General Gower would have been supported by the main body, as intended in the orders. I must request the Court to recollect, that when Colonel Bourke was asked whether he had reported to me that the direction in which the guide was leading my column would preclude my giving assistance to General Gower, his answer was, that he made no such representation, for *he did not believe that it would have been the case.* And the evidence of Colonel Bourke must have its proper weight on this subject, as he carried the order, and was with General Gower when he determined on the route he should take, and wrote the letter to me which I have read. My orders on that day were adapted to our situation, and gave General Gower a latitude necessary to enable him to precede the main body with the ad-

vance, as he had done on the march; and as it was supposed that this day would bring us to the town, he was authorized to take up a position in the suburbs of the town, without halting for further orders, as he would naturally have done if no such latitude had been given him. A supposition that the effects of panic, arising from our suddenly crossing the river, and arriving unexpectedly before the town, and an apprehension of our immediately entering it, might induce a wish, on the part of the enemy, to surrender, also led me to give a further latitude to General Gower, and authorize him to summon the town before my arrival with the main body, if a favourable opportunity occurred, as expressed by Colonel Torrens; but that I meant to authorize him to separate from the main body, is quite impossible, from the nature of the order, which was, *that he should feel his way across the river*, as expressed by Colonel Torrens, that is, reconnoitre the ford for the main body, and that I would support him with the main body, a part of the order which is stated both by General Gower and Colonel Torrens, and which is utterly inconsistent with the idea of separation, and permitting him to enter the town alone without it. The Court will find, on referring to the evidence of Sir Samuel Achmuty, that I appeared very uneasy at hearing the firing that evening; and on Sir Samuel Achmuty stating his opinion, that if General Gower did not attempt the town, there could be no danger, whatever numbers might oppose him—I stated, that I had so high an opinion of General Gower, that I was persuaded he would not attempt the town without me. I have proved, I hope, to the conviction of the Court, by these observations, that I never intended that such a separation should take place; and I think it must be equally clear, from General Gower's letter to me, that I never contemplated the possibility of it. That I was not well pleased with what had passed, I think the Court will have had good reason to believe, from evidence which has been given by General Gower himself. Let me now ask the Court to *whom* this separation of the army is to be imputed? Am I to be charged with not taking precaution against this during the march of General Gower? On the contrary, was it not the duty of General Gower, if any circumstances induced him to alter his route, to report it to me, and to halt until he made such a report, and received my orders, or, at all events, to have apprised me of the alteration of his route, and his reasons for it? The Court will also recollect, that the alteration of route by General Gower did not arise from ignorance, on his part, of the situation of the main body; for though we could not distinguish the advance, even from the commanding situation we occupied after crossing the Arrojo de Mossiel, yet it is proved, both by General Gower and others, that he not only saw the main body on the march, but actually saw us when he arrived at the ford of the Chico. I marched, as I supposed, towards the same ford,

not towards the Chico, which was expressly excluded. He was on my right while we were moving to the left flank, and would have been in my front, as before, as soon as we arrived at the river, and both pointing towards Buenos Ayres, in the same relative position, therefore, as on the preceding days; and it is impossible that he could have lost the main body, as he was between me and the river, unless he had deviated from the route stated in his letter, and turned short to the right. It is most painful to me to have been obliged to enter into this detail, and make these observations. It is not my wish, or inclination, and certainly has not been my practice, to impute blame to others for the purpose of defending myself; but I stand charged with too heavy a responsibility to make it possible for me to forbear stating what is necessary to my defence, though in so doing I may unfortunately call in question the conduct of others.

I will proceed with the remainder of the march of that day. We crossed the Arrojo de Messiel, and ascended the heights on the other side; and there it was that we first discovered that we had lost all traces of General Gower, although our view from that ground was very extensive. It was now three, some of the witnesses say half after three o'clock, and approaching, therefore, at that season of the year, to the close of the evening; we were still more than six miles from the river, the range of view given by the ground, within which range we saw no trace of General Gower, made it obvious that any attempt to ascertain his position, in a country in which we could not move or send a party after the evening closed, must be fruitless. It remained, therefore, only to consider what was best to be done with reference to the main division. We could hardly hope even to reach, much less to pass, the river that night. It is doubtful whether by any exertion we could have got near it that evening. We were in the vicinity of some large farms, affording wood to dry the men and cook their victuals, and a supply of cattle, and, in a very extensive range of view, only one house in sight on our line of march, at the distance of about a mile. The utmost distance we could have then marched could only have brought us to the swampy ground in the vicinity of the river, without being able to ensure any accommodation to the troops. It was obvious, that whatever might be General Gower's situation, I could not hope to ascertain it that evening. While considering of the most eligible course to pursue, I was, as has been proved to the Court, joined by Sir Samuel Achmuty, from the rear, whose opinion immediately decided mine for halting that night.

I had ordered Colonel Mahon to follow the main body; but the occurrences of the day, and uncertainty of our route the next day, made me think it more advisable to order him to halt at Re-

duction until I had ascertained the situation of the advance, and the best place for crossing the river.

I have thus fully and candidly stated, all the circumstances connected with the unfortunate separation of the army on the 2d, which I must ever consider as the origin of all my misfortunes. It has been asked, whether the whole army might not have arrived in the suburbs of Buenos Ayres on the 2d, from Reduction? and some officers have given it as their opinion, that it might; but when the Court advert to the circumstances of the march of General Gower's division, which was completely a forced one, and in which General Lumley's brigade and the guns were left the latter part of the march all night near the river; that from the way in which the march had been pushed, the light battalion and rifle corps were completely exhausted; that General Lumley's brigade was still more so, and that they did not reach the suburbs until dark, and that General Gower's corps moved from a point three miles in advance of Reduction, it will even now appear very doubtful whether the bringing the whole army on the 2d into the suburbs of Buenos Ayres could have been accomplished. In what way it was accomplished by one corps, the Court has seen: I have fully stated why it was not attempted by the main body. I rely upon the candour of the Honourable Members of the Court upon this subject; satisfied that they will on this, as well as in every other instance, form their judgement upon the information I possessed, and the impression which I might fairly and naturally entertain at the time from the existing circumstances, and not judge me by the event or any consequences which ensued.

Before I quit this head I must advert to the 1st charge; which, exclusive of the general introductory allegation of the measures pursued being ill calculated to facilitate the conquest of Buenos Ayres, asserts, that after the Spanish commander had shown such symptoms of a disposition to treat, as to express a desire to communicate on the subject of terms, I demanded the surrender of all the civil officers of Buenos Ayres as prisoners of war.

The first point to be considered as to this charge seems to be, whether the Spanish commander did express a desire to communicate on the subject of terms, or, at least did show some disposition to treat; and the next, whether my instructions did not warrant the demand of the surrender of these authorities. On the first point, Major Roache must be the most competent to declare, not only the precise conversation that passed between himself and General Ellio, but more especially the tone assumed, and the temper and disposition in which the summons was received, and in which the conversation between them closed. Referring then to the evidence of Major Roache, it seems quite impossible not to see, that not only no wish or desire was ever expressed to communicate on the subject of terms (it must be understood of surrendering the town) but that the only disposition

manifested in that respect by General Ellio, during the whole conversation with Major Roache, was undisguisedly and unequivocally a determination *not* to surrender, nor even to allow Major Roache to talk of terms. I was also directed by my instructions carefully to remove all those who were principally instrumental in promoting the insurrection against General Beresford, and either to send them to Europe, or to place them in some situation where their machinations would be no longer dangerous. These civil magistrates of Buenos Ayres, the Court have heard, *were* the instigators of the insurrection against General Beresford and his troops; and the violation of their capitulation could be no otherwise rendered not dangerous, than by their persons being either removed from the province, or kept secured within it. I was also to respect the persons of the inhabitants, and to conciliate their good will. The choice that presented itself was, either to promise to respect the persons of the inhabitants generally, and afterwards arrest the chief magistrates, or openly to demand them in the first instance. Every principle of honour and good faith was decidedly in favour of the latter alternative. It cannot be necessary for me to say more on this charge.

I will now proceed to the plan of, and preparation for, the attack.

On my joining General Gower on the 3d, I found him not in the position to which he had been directed to proceed, namely the westward suburbs, so as to communicate with the shipping, which had always been my object, but on the side opposite to the Plata, which position he had taken up immediately after the action of the 2d. As I found him so posted, and he had been in possession of the ground the day before, it was natural that I should ask whether he had formed any idea about the attack of the town; and the plan ultimately adopted was presented to me, a circumstance proved not from any question of mine, for I should certainly not have permitted myself to have alluded to General Gower's having any such share in it, but arising out of questions from the Court to General Gower, and details of the other witnesses. I arrived at the Coral de Miserala about three o'clock. It rained in torrents, and, as the Court will recollect, is dark at five, or before five o'clock. Upon this plan being proposed to me, I spent the rest of the evening in considering it, and examining some persons supposed to be capable of giving us correct information as to the state of the town; and I finally determined to adopt it, intending then that it should be carried into execution the next morning.

The Court have heard some of the general reasons, which operated upon my mind to induce me to adopt it, in the second letter which was read at the commencement of the evidence for the prosecution; and to which letter I beg permission to refer the Court, and request their attention to it; as I cannot but think that the publication of it, or at least extracts from it, with the other

letter, would have obviated many of the remarks which have been made upon this transaction. But it is proper now that I should rather more particularly detail the motives which induced me to adopt this, instead of pursuing my original plan of putting my left upon the Plata, landing the heavy artillery, stores, and provisions, and attacking the town from that side. There appeared to be three modes of attacking the town; by cutting off its supplies, bombardment and battery, and assault. The first, notwithstanding the opinions which have been given to the contrary, I did not think practicable at the time, nor do I now; and I think the very distinct and forcible reasons given by Colonel Bourke and General Gower against it, must have satisfied the Court upon that point: but independent of the circumstances stated by Colonel Bourke, it is obvious that it would have occupied longer time, been attended with more exposure of the troops to weather, created greater difficulties with respect to supply of provisions, and engaged them in a duty more harassing perhaps than any other, from the superiority of the enemy in that sort of irregular force, which, though unable to meet us in the field, were best calculated by their numbers and perseverance (of which we had abundant proofs) to have kept our troops under constant annoyance. All these were very powerful objections at that period of the year. When all these circumstances are considered, it will hardly be said that I was guilty even of an error in judgement, in laying aside all thoughts of that mode of attack. The next was certainly the most natural and obvious course to pursue, and was therefore that to which my views had always been directed, but it was also open to many objections; among which were the difficulty and delay which might arise in landing the heavy guns and stores and erecting batteries in the weather, which has been described by Admiral Murray (the rain was then falling in torrents), and the occasional interruption of communication with the fleet, and continued exposure of the men at that time of the year; in addition to this the nature of the town, and the construction of the buildings were such as to obviate many of the most powerful and rapid effects of such a mode of attack. All who have given evidence concur in opinion, that it would have been very difficult, if not impossible, to burn the town, at least no great effect of that sort, which is generally the most effectual consequence of a bombardment, would have resulted from it.

The effect of our heaviest guns, 24-pounders, upon the houses at Monte Video, had shown that even batteries would not have the same effects as upon houses of an ordinary construction, and at all events must have been slow in their operation, nor did the vicinity of the town afford one commanding position; for the Tauros and Residentia, though eligible as posts to attack from, were not commanding positions from which the centre or body of the town could be annoyed; in addition to all these reasons,

that mode of attack, to be successful, must have been attended with a great destruction of the property as well as lives of the inhabitants, and was therefore objectionable, as tending to increase the hostility of the inhabitants towards us, which was the most important of all the considerations to which I had to attend, with reference either to the letter or spirit of my instructions, and the ultimate object in the view of government, of conciliating the country; as it was obvious that, unless the hostility of the inhabitants could in some degree be lessened, no force which this country was able to spare for so distant an object could procure, or at least maintain, any footing which would be valuable either in a political or commercial point of view.

To the last mode, that of assault, there did not appear then, nor have I heard stated, or given in evidence, any objection but that of the possibility of its failure; for in its effects if it did succeed, it does not seem difficult to prove that it was much preferable to the second. Presuming it, for the sake of argument, to be successful, it was obviously preferable so far as the troops were concerned; for though it might be attended with some loss, it would, the moment it succeeded, afford the means of comfortable accommodation, and prevent all the losses and diminution of the effective strength of the army from the fatigue and sickness attending on protracted operations at that season of the year. I knew that the inhabitants would, in some measure, assist in the defence, and from the nature and construction of the squares of houses, and their flat-roofs, was aware that they would be occupied; but, from all the information I obtained from those immediately with the army, and the prisoners, two Spanish officers, examined, as the Court have heard, on the morning of the 4th, I was led to suppose that the Spanish *troops* would act in the streets as had been determined by Linjers, in moveable columns, and behind such traverses and defences as they could erect in the vicinity of the fort and great square in the centre of the town. An attack, therefore, which brought us in contact immediately with the Spanish troops would necessarily be the least annoying of all others to the inhabitants. The capture of the place would, in that case, have been the consequence of the defeat and slaughter of the soldiers, with whom only the contest had been. In the other it would have arisen from the protracted hardships and destruction of property and lives of the inhabitants. It must be admitted that, in an assault with any troops, however well disciplined, some injury would be done to the inhabitants; but it cannot be contended that in a well regulated army, such injuries could bear any the most distant proportion to those which would arise from bombardment. With reference therefore either to the army or the town, I still think that the assault had the preference over the other plan, presuming as I said before, upon its success; upon which I will therefore now make a few observa-

tions, considering it, as the Honourable Members of the Court will do hereafter, with reference to the fair probabilities at the time when it was adopted, and not according to the unfortunate result.

The first point to consider, in that view, was the probable resistance; and next, the mode of attack best adapted to overcome that resistance. I have before stated that, it was understood the tops of the houses would be occupied, and from the known hostility of the inhabitants, it was supposed that many of them would take part in the defence, and that their post would be on the roofs of the houses, while the Spanish troops offered a resistance in the streets, and defended the fort, and such defences as they might have prepared in the streets of the town. We, therefore, looked for a vigorous resistance: but I will ask the Court, and every individual member of it, whether from any experience in modern times, from any thing handed down to us in military history, since the modern system of warfare, and the use of firearms have prevailed, or even from any information we had received, or observation we had made, as to the hostility of the inhabitants, any thing but the actual result could lead us to form a just estimate of the resistance made. A multitude of instances might be mentioned, in which a certain proportion of the young and active population has increased the strength, but in which the general population has always impeded, instead of assisting the efforts of the defending army. Not one can, I will venture to say, be produced like the present, in which it is no exaggeration to say, that every male inhabitant, whether free or slave, fought with a resolution and perseverance which could not have been expected, even from the enthusiasm of religion and national prejudice, or the most inveterate and implacable hostility. I am ready to confess, that I had not contemplated the possibility of such a resistance, so conducted by the whole population; nor do I believe it was supposed or foreseen by others. I will not resort to any of the common-place observations, however forcible their application might be upon opinions formed after the result; but whatever shades of difference of opinion there might have been among the general officers, or those commanding in the attack, or those more immediately about myself, and to whom the details were given the preceding day, as to this plan, compared with other modes of attack, I think, I may assume, from what passed on the 4th, and from the evidence which has been given, that no one of them looked forward to the resistance we encountered, or the consequence which ensued; that no one of them in fact, had in contemplation the possible failure of the attack. Whether the general officers attending considered themselves as consulted or not, and whether, under the circumstances in which they were called together, and [illegible] as to feeling myself compelled to adopt it, from circumstances against my

judgement; and the discussion which subsequently took place, as to the alteration of the hour of the attack, and General Lumley's questions on the subject of the plan, and the explanation by General Gower at the table, of the details by referring to the map (as is described in the evidence) they either ought, or were at liberty, to state any strong feeling they might have upon the subject, is not for me to determine. I will, hereafter, read to the Court my circular letter to the Brigadier-Generals; upon which I cannot but remark, that when it was produced, and laid upon the table by General Craufurd, no sort of notice was taken of it by the Judge Advocate; nor did he direct it to be read, though stated to be circular and official, and coming with the orders: although the Judge Advocate commenced the prosecution, by stating it to be his duty, as well as wish, to produce all the evidence, whether operating favourably or otherwise to me. Whatever may be the opinion of the Court, as to the situation of the Brigadier-Generals at the meeting at head-quarters, I think it is clear that any general officer, who had contemplated an unsuccessful result, of such an attack, would either publicly or privately to me, have submitted his opinion, or have *failed most criminally in his duty*. No such opinion was given me; for the Court will see, upon an accurate examination even of Colonel Pack's evidence, that I could not collect even from what was stated between him and me, that he thought unfavourably of the plan, as his objections were confined to a want of some implements for breaking open the houses, for which I ordered immediately every possible search to be made. Having stated thus fully the nature of the idea I might probably entertain at the time of the resistance to be expected, I come now to the mode of attack. The object was to pass through the town, as rapidly as possible, so as to come in contact with the Spanish soldiers, considering the inhabitants as less worthy of attention. The plan also avoided the centre defences; and the columns were not to persevere, in spite of all obstacles, on their particular lines of attack; but to incline to the flanks, and gain stations, or rather the houses next the river, and thus occupy two lines on the flanks of the main defences of the enemy: this is obvious from the orders themselves, the distribution of the troops, which were divided so as to occupy all but the four centre streets, and the answer given to General Lumley's question, publicly, at the meeting of all the officers. I particularly request the attention of the Court to this, because it will be seen that the most fatal consequences, if not the whole of the unfortunate result of that day, arose from a neglect of these orders in the columns in which strict attention to them was most important. The men were to enter unloaded, and to proceed as rapidly as possible, and not to fire on any account; and this is stated pointedly, in one of the charges as an offence. I hardly know whether it is necessary to defend myself

on this head: it is a point, as a general military one, upon which differences of opinion may and do exist. The Court has seen that different opinions have been entertained by the witnesses; but one of the witnesses, Sir Samuel Achmuty, who gives his opinion in favour of entering the town unloaded, has stated a fact, not in support of that opinion, but incidentally, which a little confirms the propriety of it; namely, that the danger of the head of his column was increased by the firing of his own column from the rear. The reasons for the order in this instance were, that the fire could be of no use against the people on the roofs of the houses, who were behind parapets, and completely concealed, except at the moment of firing; and the main object, therefore, was to pass on as rapidly as possible, until the columns encountered those of the enemy; and neither run the hazard of any delay from the men using their fire, which is difficult to prevent, or of any mischief arising from the columns crossing each other before it was sufficiently light to distinguish each other: I cannot, therefore, take blame to myself for this order, and should not have adverted to it at all, if it had not been so pointedly mentioned in the charge.

Of the circumstance of General Gower's having taken the flints from the companies of the 88th, I had no knowledge; but believe it arose from something which had occurred while that regiment was under General Gower's command on the march.

I have stated the motives which led me to adopt the plan of assault; to which, after the evidence which has been given, I may now be allowed to add one, which, in a case of this sort, might, I trust, fairly, and actually did, operate upon my mind;—that of its being proposed by an officer whose opinion could not but be entitled to weight.

The next point to which I will advert is, that of the orders given upon the subject of the situation in which I was to be found, for the purpose of receiving reports; and whether that was communicated to the Generals; and in regard to the directions, that, after occupying the line of attack, if they gained their points, they should wait for further orders. In explaining this, I must further observe, that no particular situation was assigned in the orders from myself and the second in command; that head-quarters were not changed; and that the reserve was, in the orders, posted about 500 or 600 yards in front of head-quarters, upon an open space, which must be crossed by any person going to head-quarters. I trust I shall not be thought capable of acting so unworthy a part as that of exonerating myself by throwing blame upon others; I have acted upon a very different principle since my return: whatever I have felt or thought as to the execution of any parts of the attack, I have steadily refused to listen to any suggestions of defending myself by involving others. But in cases where I am bound to account for my conduct, and can-

not do so but by stating that which may ultimately have a tendency to impute blame to others, I trust I shall not be accused of deviating from the line of conduct I have adopted, in stating the motive which either operated upon me to act in any particular manner, or occasioned my neglecting some details, which, in strictness, it might be my duty to see attended to. With reference to these details, I can with truth state, that having adopted the plan of another, I should not have thought it fair or proper towards him, after having approved of it, with a very little alteration, to which it is not my intention to allude, not to have permitted him to take a principal share in that which he had suggested, and which, from presenting it in such detail, he, of course, had fully conduced. Accordingly the Court has heard, that when the officers were assembled, I stated, in a few words, my motives for adopting the plan of assault, and referred them to General Gower for the details; and that the officers accordingly surrounded his table, upon which he had got the map; and until long after my arrival in England, I had always understood that General Gower's reason for advising me to stay in the centre, instead of taking the left with Sir Samuel Achmuty, and giving him the right, according to my original intention, and which I could prove (if, after the evidence of Sir Samuel Achmuty and others, as to the propriety of taking a central position, it were necessary), was, that I might receive the reports of the Generals; which I always understood and conceived had, with our position, been explained to them upon the map, on the 4th. Upon this subject there seems to have been some fatal misunderstanding. I certainly expected these reports, in the full belief that they had been ordered, and the place pointed out to which they were to be sent.

It rather appears, from General Gower's evidence, that he cannot state positively that such orders were given; but conceived it to be a point of military duty, and the course of the service, that they should, in this situation, have reported.

Another point remains for me to notice up to the evening of the 4th, that of not having reconnoitred the town. Upon this I can only state, candidly and fairly, that the nature of the attack did not seem to me to render it necessary so to do, as no one object was to be gained, and no alteration, either in the details or execution of the plan, could arise from any reconnoisance I could have made. The only open spot from which any thing could be seen, was the place where I *actually was.*

The attack was founded upon a plan of the town, and the information of those who were acquainted with it, and were with me at head-quarters: and no situation, either to the right or left, or in any direction, in fact, not only on any part of our line, but at any distance from either of our flanks, could afford any further view, but of the houses immediately opposite with the gardens and orchards. This I could see; and, as far as any extent of view was

concerned, the Coral was the only spot in which the view was not bounded by the squares, either of scattered houses or strong hedges, which intercepted all view whatever.

There was no position to reconnoitre, no ground to examine, with a view to the disposition of our own force, or attacking that of the enemy. I could find no point to which I could have gone with any force to have reconnoitred any part of the line of attack, or have seen more than could be seen from the Coral.

I have now stated at length all the motives by which I was led to adopt this plan, and I believe commented upon all the points necessary for me to observe upon, up to the evening of the 4th, and will now shortly advert to the first charge, and then proceed in the order of the events to the day of attack.

In commenting upon the events of this day, which the prosecutor, in a question to one of the witnesses (a singular and unusual period for the introduction of a phrase implying so strong a comment), has called *extraordinary*, I must earnestly request the Court accurately to examine the evidence as applied to the situation in which I actually was at the time, and in which I might, under all the circumstances, and actually did, suppose the attacking columns to be; and also the evidence which is founded upon the unfortunate result; and what ought to have been my conduct, had I known, or even suspected, the situation of some of those columns.

On the morning of the 5th, I proceeded to the centre, to the ground occupied by the artillery, and the attacks commenced as the Court have heard, before, or about day-break. I naturally waited some time, expecting to receive reports from some of the attacking columns: not having any reports before nine o'clock, I ordered the carabineers, and part of the dismounted 9th light dragoons, about 500 men, to proceed with two guns, from their advanced position in the town, down the centre streets, hoping by this movement to produce a diversion in favour of the attacking columns, and to enable them to open a communication—before their return I had dispatched Captain Foster, one of my Aids-de-Camp, to endeavour to procure intelligence. My staff were employed in various directions, endeavouring to ascertain what was the result of the attacks; and upon the return of the carabineers, about half past ten, after their repulse, and taking up a position in the town, in advance of the one they had at first occupied, I again repeatedly dispatched Captain Foster, an officer of long service and experience, into the town, with directions to endeavour to ascertain the situation of the attacks, and open a communication to either flank; anxiously and momentarily expecting, in the meantime, accounts from some of these columns: but certainly never entertaining the slightest apprehension of what had actually taken place on two points of the attack, or the danger which threatened another. It is not my intention to enter

into any detailed comments upon all the attacks; but I must request the very serious and particular attention of the Court to some observations upon the most important of them, and must also recall to their recollections some general observations upon the nature and plan of the attack, and the orders for it; with the explanation given by General Gower in answer to General Lumley's question. I anxiously request the attention of the Court to this part of the case, because it is most important, indeed almost the only really important part of the case for your consideration in a military point of view; and still more, as, from an implied and distant insinuation in the charge, conveyed under the words "personal exertion" (which have been so often repeated, and sometimes with such peculiar emphasis, in the course of the trial), it most deeply affects my personal character and conduct. I also request the particular attention of the Court to it, because I think I shall clearly establish, that the charge preferred against me, of not co-operating with, or supporting, the different divisions engaged, and the consequence stated in the charge, of their surrendering for want of such aid and support, is completely founded on a misconception of the nature of the case, of the plan of attack, and of the relative situations of myself as Commander in Chief, and of the officers leading the different columns. I think I shall prove that the third charge is founded on an assumption of that which had no existence; and is not applicable to the nature of the case: and that it falls short in not stating the only circumstances upon which such a charge, with reference to the nature of the assault on the town, could be founded. This view of the case, which I feel satisfied I shall show to the Court to be the only just and proper one, it is obvious, from the course of examination, has never once occurred to the prosecutor. It certainly did not occur to him when the charges were preferred against me, or they would have been differently framed; and I think the Court will see, that it has not occurred to him since. In order to explain this mode of considering the case, I must call the attention of the Court to the nature and arrangement of the plan. The attack, as the Court will have seen, was to avoid the centre streets; and the directions, therefore, were *not* to persevere in spite of obstacles, but to pursue the main object, that of getting to the vicinity of the river, or as far in advance towards it as possible. The columns of the left wing, therefore, were, in case of meeting with obstacles, to incline and take the next practicable streets to the *left* of those in which they met with obstacles, and the columns of the *right* wing, the streets to the *right*: the effect of which necessarily was to avoid attacking the centre and main defences, if they presented formidable obstacles to our advance, and to establish a line of stations on the houses or commanding buildings near the river, on the flanks of the main defences of the enemy; which stations would, if the orders had been pursued,

have occupied the town on each flank of the defences of the enemy, approaching nearer, or being further from the centre, in proportion as any obstacles in the streets might make it necessary to incline more or less towards the flanks; and these attacks must necessarily have communicated with, and supported each other; and, in fact, if the buildings could have been occupied in the manner pointed out in orders, would have been in actual contact with each, with no other intervals than the breadths of the intersecting streets. The Court will observe, by referring to the orders, that four regiments on the left, under Sir Samuel Achmuty and General Lumley, namely, the 87th, 5th, 36th, and 88th, were divided into wings, constituting, therefore, eight different columns of attack, exclusive of the 38th, which was to attack the Tauros from the rear; and the brigade under General Craufurd, and the 45th, under Colonel Guard, were divided, as the Court have heard, into four columns of attack; which, by the division of Colonel Pack's corps, became five; and if the Court will refer to the plan of the town, they will find, that, with the exception of the two streets to the right and left of the centre of the square of Buenos Ayres, which were purposely avoided, all the streets were occupied by our columns. The orders distinctly stated, that each division was to go, *if possible* (which term was explained, as has been stated in answer to General Lumley's question, given in the presence of all the officers), straight down the street before it, until it arrived at the last square of houses, near the river Plata; of which the columns were to possess themselves, and on the tops of which they were to form.

The Court will recollect, that the sides of the squares of houses are 140 yards; and it is therefore obvious that, if the buildings and houses had been occupied according to the orders, the different divisions would have been not only within reach of communication and support, but actually, as I have before stated, in contact with each other. It is perfectly clear, therefore, that they were to look to each other for co-operation and support. Let me now consider the supposition, or rather assumption, in the third charge that the different divisions engaged in the attack were to look to the centre, or the reserve, for co-operation, aid, and support; for upon this assumption the charge, and almost all the evidence, is founded. If this assumption is not warranted either by the orders or the circumstances, the third charge is founded, as I have before suggested, on a complete misconception of the case. To ascertain this point, I must request the Court to look to the distribution of the force under my command, and the comparative strength and relative positions of the different divisions, both in attack, and in the centre, and in the reserve. There were fourteen divisions of attack; the 38th regiment entire; the others consisting of wings of regiments, including

(with the exception of a company of the 88th, left at head-quarters to guard the hospital and prisoners) all the infantry of the army: in the centre, advanced into the town, were the carabineers, and part of the 9th light dragoons, consisting of about 600 men; 250 of the carabineers armed with the old carabines. With myself at the Coral, and with the artillery, a reserve not exceeding 150 of the dismounted 9th light dragoons, and about 30 of the 17th light dragoons mounted, was it possible with this force to have co-operated with, or supported, all the attacks, could it have been divided so as to have supported with any effect each wing; could it, in fact, if divided, or even if united, have effectually co-operated with, or supported, the different columns, by any attack through the town. The attack made by the carabineers and the 9th light dragoons, from the centre, proves that we could not have penetrated through the town. Could any of the officers commanding divisions of the attack, seeing this distribution of the force in the orders, have at all looked to the centre or reserve for co-operation, unless particularly called on for support, and unless the necessity of its being given was supported by those who required it? Was it not obvious that they moved and acted in the attack in immediate communication with each other, and that the object was to form a connected line of station on the houses and buildings near the Plata, mutually communicating with and supporting each other, and occupying the river line of the town on each flank of the centre defence of the enemy. I will now proceed to apply these observations to the divisions which surrendered, and whose surrender, for want of aid and support, is imputed to me as a crime; with what justice will be for the Court hereafter to determine. The Court will find it proved, by the evidence of Lieutenant-Colonels Pack and Cadogan, that each of their divisions turned to the *left*, instead of their *right*. General Craufurd also appears to have turned to his *left*, and advanced, as he stated, towards the fort; and, if I do not mistake the evidence of Colonel Duff and Major Vandeleur, they seem to have acted in a similar manner on the left; but the evidence on this subject is not very precise. It is not a little remarkable, that it was not until they approached close to the centre defence of the town that they encountered the formidable opposition which has been described, or sustained any serious loss; and it is obvious, that in this deviation from the intention and spirit of the orders, as explained in presence of the officers, in answer to General Lumley's question, the corps so engaged lost the support of the columns on their flanks, became entangled in the obstacles they were directed to avoid, and were ultimately obliged to surrender. It is also necessary that the Court should observe, that those corps of the left wing, which made no such deviation, preserved their connexion with each other, and ultimately find-

ing the obstacles so formidable, and the resistance so much greater than had been foreseen, they retired to the left flank, and took post at the Tauros. Colonels Pack and Cadogan both state, that, having found no opposition as they proceeded until they came within sight of the river, they turned to look for the enemy, is the expression of one of them, moving directly on towards the great square, which it was never intended they should approach; and in this attempt they suffered the dreadful loss which has been stated: but even although they must have considered themselves as having encountered an obstacle, against which it was impossible to hope to be able to persevere with any chance of success, instead of moving towards the right, as stated in the orders, and explained by the answers given publicly to General Lumley, they persevere, and fall a sacrifice.

Having applied these observations generally to Colonel Cadogan, as well as Colonel Pack and General Craufurd, I think it but justice to remark, that Colonel Cadogan did not command a column under the orders, but was directed to lead a separate division by Colonel Pack, and must therefore be considered as acting under the immediate orders of a superior officer; and the persevering resolution and gallantry with which he held out, until he was compelled by overpowering numbers to surrender, must for ever prevent the misfortunes of that day from producing any recollection, as far as *he* was concerned, but such as must be gratifying to a soldier. General Craufurd also states, that upon arriving at the banks of the Plata, and opening the bastion of the fort, he turned to the left, and advanced towards the fort; and when he had so done, instead of occupying buildings, or the tops of the squares of the houses along the line of the river, which would have connected him with the Residentia, and enabled him at any time to communicate or retreat, more particularly if the divisions under Colonels Cadogan and Pack had also occupied buildings on the same line, he throws not only his own division, but that of Colonel Guard, and part of Colonel Pack's, into one building, at the distance of one square from the river, and there remains to wait for support. Let me now ask the Court to examine the order, the plan of attack, and the evidence, and see on what ground it was that he was led to pursue this course. Did it originate either in the letter or spirit of the orders? on the contrary, was it not a direct deviation from both? On arriving at the banks of the Plata, he moves to the left, unites the detachments of the other division with his own, and throws the whole into one building, instead of keeping the divisions separate, and, according to the orders, occupying the roofs of the houses or buildings near the Plata. I must also request the Court to observe, that this building was deliberately occupied at between seven and eight

o'clock in the morning, not under fire of the enemy, and as an immediate protection to the troops, as was the case in one or two of the other instances, and not from any difficulty in occupying other buildings, as directed by the order, for it appears that no such attempt was made, but was taken possession of as a *post* to *maintain*. Part of the 45th, as the Court have heard, went to the Residentia, though Colonel Guard came back with a strong company, and may therefore be fairly considered as bringing a column for one of the streets; and if the order had been pursued of retiring from the obstacles, Colonels Pack and Cadogan's division would, in retiring from the centre, have approached more towards the Residentia, and, by a correspondent movement, pushed General Craufurd's also to the right, and placed the several corps in such relative position as would have necessarily produced the effect intended by the plan and orders, of their mutually communicating and co-operating with and supporting each other, which would have secured, at any time, a retreat upon the flank. Instead of pursuing in this respect the spirit of the orders, or the letter of them, still less the explanation of them by General Gower, Brigadier-General Craufurd throws himself into a post close to the defences of the enemy, waiting, as he says, for support, and makes no attempt, although not surrounded, or even seriously attacked, for some hours after he took possession of the post, to establish, or keep open, any communication, either with Colonel Cadogan or the Residentia, although he knew from Colonel Pack, that Colonel Cadogan must be in momentary danger, and from Colonel Guard that the Residentia was occupied by our troops. In what part of the orders is it to be found, that the support so often alluded to was to be given? from what part of them was it to be presumed that it was promised, or was to be expected, or could be given? If I had known he was in danger (upon which I will observe hereafter), whatever might have been the original plan, or whether that danger had originated in any deviation from orders or not, I admit most fully that it would have been my duty to have moved, with every man I could collect, to his support: but the real question is, whether it was my duty to have known that he had acted contrary to the orders, or was compelled by circumstances so to act, and had taken such a post? When I state so strongly these deviations from orders, I beg I may not be supposed by the Court to insist that General Craufurd may not have been compelled by circumstances to deviate from the orders; but if that was the case, he must have been aware that it was peculiarly necessary that I should be apprised of these circumstances, to enable me to decide upon the steps proper to be taken in consequence of the impossibility of carrying the plan into effect on that flank. The resistance opposed on that flank may have made it impracticable to carry the orders into

complete execution, and he might exercise a sound military discretion in occupying a post near to the centre defences of the enemy, for the purpose of attracting the attention of a part of their force; but ought he not when he occupied this place to have immediately ascertained what were his means either of maintaining it or retreating from it; and when he found, as of course he must, that it was not tenable for any length of time, and that the entrance was too narrow to admit of forcing a retreat if the enemy collected and surrounded him, to have reported to me this unavoidable deviation from orders, and his perilous situation. It is obvious that for some hours after entering it he could, by means even of Colonel Guard's detachment, have much more easily opened a communication with me than I could with him; but if he had found that such communication could not be opened, and that he had no means of apprising me of his situation, ought he not then to have secured the means of retreat? I earnestly entreat the attention of the Court to these observations, as constituting the real point for your deliberation, with reference to the great features of the third charge; for however a false confidence, as to the success of the attacks, or a momentary expectation of receiving reports, may have led me to permit very precious time to elapse before I took steps to communicate with the flanks, and with no other parts could I, as I will show hereafter, have communicated. On finding that no reports arrived, it cannot be imputed to me as a crime that I did not, either personally or otherwise, support the different divisions engaged in the attack, and that I thereby permitted them to surrender, unless it can be shown that I *had* promised support and failed to give it; that the plan was founded upon it, and I neglected to perform my part in the plan; or that I knew that support was wanted, and omitted, either personally or otherwise, to afford it; or that I necessarily ought to have known it, and failed in proper exertion either to give or send it. Still less ought I to suffer for failures occasioned by others, or be subject to imputations from those who have fallen a sacrifice to their own deviation from orders, or want of caution, but who are, nevertheless, as the Court will have seen, the most forward to make me the object of attack, and my conduct towards them the subject of complaint. I will now return to the centre, and will request the Court to advert to the number and description of the force I had with me, as a complete proof that the plan was not formed, nor could, by any person who knew the details of the army, and the strength of the corps of which it consisted, be supposed to be founded upon any principle of co-operation or support from the centre. The centre was occupied by the least effective troops in the army, and the force left there could hardly be considered as more than equal to ensuring the safety of the guns, the hospital, and prisoners;

and opposing a resistance to any attempt of the enemy to force their way out of the centre of the town, in consequence of the flank attacks, which (as Captain Fraser has stated) we apprehended would be the probable effect of those attacks. Consider this in another point of view :—If the flower of the army, penetrating in parallel lines in streets only 140 yards from each other, and therefore mutually within the reach of supporting each other, could not maintain their ground, or make any impression, what was to be expected from the whole disposable force of 150 dismounted dragoons at the Coral, and about 550 or 600 advanced in the centre of the town. Even if I had considered the latter as disposable, for it is impossible to reckon the several scattered detachments, extending along the whole line at distant intervals, and not even in sight, or returned to the Adjutant-General on that day as disposable; it is clear, that the columns of attack would have less difficulty in communicating and resorting to me, than I should have in sending to them. These corps were stronger, particularly General Craufurd's, which consisted of the best troops in the army: they had also, without meeting with any resistance, passed over and knew the ground; and General Craufurd had with him an experienced officer, well acquainted with the whole town. General Gower states, and I certainly considered, that all the brigadiers knew where I was stationed, and that they were to report. General Craufurd, at all events, is proved, by his own evidence, to have known where I was; and upon such an extraordinary deviation from the plan of attack, and occupying a post which was not tenable, and precluded a retreat, ought he not (whatever had been the orders, if any had been given upon that subject) to have immediately communicated his situation to me, and asked for support or orders? If I had then refused or neglected to send it, if I had not instantly put myself at the head of every man I could collect, and attempted, at the expense of any sacrifice, to give him support, the Brigadier-General might then have been justified in deliberately charging me with ABANDONING him; but, unless I have both totally misconceived the plan of attack, the object and spirit, and even letter of the orders, and our relative situations, it would have been both more decorous and more prudent in a witness, standing in the situation of giving evidence to exculpate himself, in which situation he and some others have stood, to have avoided giving, at the commencement of his evidence, so strong a proof of personal feeling upon the subject, by making a charge against his General so injurious, and, as I trust I shall prove it to the Court, so unfounded. I am proud to feel and know, that I have not deserved it; for whatever I may now have been compelled, by this attempt to impeach my character, to state in my defence, and whatever I may have felt upon this subject immediately after the transaction, I have most cautiously ab-

stained, upon principles both of honour and feeling, from attempting to exculpate myself at the expense of others; though I am well aware that I might, by so doing, have had no difficulty, at least in diverting much of the popular clamour which has been directed against myself; a sentiment I have always disdained to entertain, or act upon.

To return, however, from this digression, which, I hope, the Court will forgive, and attribute to the feelings which could not but be excited by the occasion:—

The Court has heard that, after the unsuccessful attempt of the 9th light dragoons, and the carabineers, and afterwards of Captain Foster, either to open a communication or ascertain the situation of the attacking columns, a report was brought to the centre, about one o'clock, that the colours of the fort were struck; and Colonel Torrens was sent down to ascertain the fact; and while he was absent, I rode to Mr. White's house (the absence alluded to by General Gower), in the full conviction (as I could prove, if it was necessary), that the town had surrendered. I mention this circumstance (and beg also to call the recollection of the Court to the evidence of both General Craufurd and Colonel Pack on that head, who both state, that when the first flag of truce came to them about that period, they were satisfied that it was a flag to surrender the town), for the purpose of showing the general impression entertained at that moment as to the success of the attack; and as much more conclusive in proving the feelings entertained upon the subject at the time, than all the evidence which has now, after the result, been given, or which now could be given.

I call the recollection of the Court to this evidence, as completely confirming that which has been given upon this head, when we returned to head-quarters; and to prove, beyond all doubt, that it was the general feeling at the time. If General Craufurd, who had felt obliged to throw himself into the St. Domingo convent, and Colonel Pack, who had suffered so severely in his approach to the centre defences of the town, and had found it impossible to make any impression upon them, entertained that idea, and thought that the possession of posts so close to the centre of the town, and the other attacks, had produced such an impression upon the enemy; may not I, at a greater distance, with no suspicion of any disaster, and not aware of the desperate nature of the resistance, be allowed, in common candour, to have entertained the same impression? And can it be said, that with an army from whose exertions every thing might be expected, and not contemplating the possibility of such a defence, I was actuated by a blind and infatuated confidence? Is it the first instance in our military history, in which the resistance of an enemy has been underrated, and the efforts of our troops over-rated? I need mention only the attacks, by Lord Nelson,

upon Teneriffe, and of the gun-boats off Boulogne; which I select as a proof, that even the transcendent talent, intuitive foresight, and consummate prudence, of the greatest commander recorded in our history, were not always able to avoid the consequences of a miscalculation in this respect. I ask only the candid and liberal allowance of the Court upon this head; and that they will, in interpreting my conduct on that day, give me the benefit of the motives which might fairly operate, and which did actually operate, upon my mind.

Immediately on the return of Colonel Torrens, I proposed to open a communication with the flanks, and sent Major Cossley to the right, and immediately afterwards Captain Whittingham to the left: with the latter I sent a party, which it was supposed would enable him to ascertain the situation of the columns on that flank. I may be asked, why I did not also send another detachment to the right? I will candidly state the reason; I was unwilling to withdraw the carabineers and 9th from the centre, and still more to detach from the very small party at the Coral, and leave the guns not sufficiently protected: but more than all these considerations, which certainly would have immediately given way to any suspicion of the danger of the right, I was actuated by a confidence that the right was safe, and a much stronger anxiety to know the situation of the left. I think that I can satisfy the Court that these impressions, as to the comparative situation of the right and left, were, at the time, such as I could not but form from the circumstances: entreating the Court to bear in mind the confidence which I and others still entertained as to the success of the attack; or, at all events, the absence of all suspicion that any mischance had happened.

The Court will recollect that we had distinguished (as late in the day as any observation could be made, the weather being, as has been stated, thick and hazy), that two commanding buildings on the right were in our possession; and as we could not distinguish the intermediate houses, and knew that the force on that side had been divided into four columns, I naturally concluded, that the interval was occupied by some of the columns, and that they necessarily were in a condition to communicate and co-operate with, and support each other; and I considered that which proved to be St. Domingo church as the nearest part of the line occupied by our troops towards the centre; and from that building, as has been proved, we saw our men firing as long as we could distinguish objects in the town. On the left, where there were also high buildings beween the fort and the Tauros, we saw no flag but that on the Tauros; although eight columns, besides the 38th, had advanced in that direction. If, therefore, I had suspected any serious failure, I should have unavoidably looked to the left, as the place where it had happened; and as that was, from its being the point of communication with the shipping, the most important flank, I have no hesitation in avowing (and I think, after what I

stated, the Court will feel that it would have been the natural course to pursue) that, if an impatience at not hearing any intelligence, or the not being able to open any communication, had induced me to leave the centre before any reports arrived there; or if it had occurred to myself or others, that a great effort was to be made, and what force we had was to be assembled, and I was to put myself at the head of it, to endeavour to restore the fortunes of the day, I should most inevitably have taken the wrong direction, and gone to the left, instead of the right, in a full conviction, from seeing the two flags, and knowing that the number of squares on that side were less than on the other side of the town, that the attack had succeeded on our right; and that we had occupied the line on the enemy's left flank, but had failed on the other side. The return of Captain Whittingham proved that the left was well posted, though the attacks had failed; and that Sir Samuel Achmuty recommended me to go to the left, but not until I was satisfied as to the right. It was too late that evening to attempt any communication with the right; and I therefore resolved not to proceed to the left, until I had ascertained the situation of the right, and brought up Colonel Mahon's column; and which (as has been proved to the Court) was the first object of attention in the morning: and though it appeared, in answer to the question of the Judge Advocate, that I did allow myself something to eat, and that we lay down to rest ourselves (though it will not be supposed my sleep was very sound), it should also be recollected, that it appeared that I was employed, in the middle of that night, in examining the guide, and setting the bearings and distances for Captain Whittingham's reconnoisance the next morning. I should not allude to so trifling a circumstance but for the purpose of repelling the insinuation which could not but be intended to be conveyed by the pointed manner in which that question was asked. I must also request the Court to recollect, that it has been proved, that on our retiring to Mr. White's house, though naturally anxious for the right, no suspicion was entertained by any officer about me of any disaster having happened to it; but that we retired with a full conviction that it was, like the left, safely posted: and very soon after daylight the next morning, I received the letter from General Liniers, stating General Craufurd's surrender: but having sent Captain Whittingham to the right, I waited until between twelve and one o'clock for his return, before I went to the Tauros. So many important subjects of discussion have occurred as to this day, that I must, before I quit it, shortly recapitulate the arguments, which, with great deference, I submit to the Court, upon this charge of not co-operating with or supporting the attacks, whereby some of the columns surrendered.

I trust I have satisfied the Court, that the plan was not

founded upon support from the centre; that the Brigadier-Generals were not justified in expecting it; but that, from the nature of the disposition, they would necessarily, on arriving at their respective stations, co-operate with and support each other: and accordingly it was so understood, and acted upon, on the left; upon which flank it will be seen, that the moment Sir Samuel Achmuty found that he could not penetrate the street, and occupy the buildings, as directed in the orders, he posted his own division, and immediately proceeded in person to establish communication with the other divisions of that wing. In consequence of which, when finally pressed, so as to make it obvious that no benefit could result from attempting to maintain any post in the town, the whole of that wing (with the exception of the 88th, which had been entangled in the vicinity of the centre defence of the town), returned to the flank, and took post at the Tauros. If I have succeeded in explaining this part of the case, it is clear that I was not to move from the centre until I knew of some object, or that some point wanted support.—To have estimated the danger of Brigadier-General Craufurd's brigade without actual information, I must have foreseen, that he and those with him would totally deviate from the plan of attack, or that it was impracticable; that he would occupy a post not tenable, and from which he could not retreat; that knowing he could not retreat from it, he would suffer himself to be surrounded, so as to have his retreat cut off; and that, having occupied a single post (and such a one!) with his own division, and detachments from two others, instead of a line of posts mutually supporting each other, he would not send to apprise me of his intention, but presume upon my co-operation or support, which neither was promised, nor consisted with the plan, or the disposition of our force; and, finally, that a resistance, of which there is no example, would be made by the inhabitants of an open town, against so formidable a body of disciplined troops.

It has been asked, where was Colonel Mahon's brigade? and why was it not united with the rest of the army?—And, though it has not been asked, why the attack was made before its junction; questions having a similar tendency, have been put, as to the effect which would have been produced if it had taken part in the attack. It has also been asked, why no other efforts were made to open communications; and many questions have been pressed as to the practicability of communicating either by the centre or the flanks. It has also been asked, why further orders were not sent to the corps in the town? and, finally, why I did not personally collect my force, and put myself at their head, and communicate with the attacks?—I will candidly answer all these questions: and although, in so doing, I cannot acquit myself of some blame, I think the Court

will feel that my offence, whatever it may be, is of a description that cannot be said to attach disgrace, either to myself, or my profession, or my country, or his Majesty's arms:—that it neither justifies the charge, nor the odium which has been cast upon me. I have (in common with others who have gone before me), in a trying situation, under novel circumstances, against my own judgement, adopted a plan of attack which has failed. I unfortunately under-rated the resistance of the enemy, and estimated too highly our means of attack. A false confidence (as the event has proved), not only governed the preparatory arrangements for the attack, but operated in producing all the events of that day. Every preparation, every occurrence of that day, originated in the supposition, entertained by others in common with myself, of the ultimate success of the plan. *I* was acting under that impression: and the charges are founded upon the *result*, and not upon impression derived from existing circumstances, and from what those with me saw and knew at the time! I was waiting for reports of success, that I might send orders to take advantage of it; and my actions, which were founded on a conviction that no possibility existed of a failure, are scrutinized as if I had known of the peril of others, and had failed to perform my duty in extricating them! I admit that, had I foreseen the desperate resistance of the enemy, I should have made no such attack; or, at least, should have waited until Colonel Mahon came up, and availed myself of all the force in my power. It has been asked, why I did not avail myself of his brigade to extricate the right? The answers are, that I never suspected that it wanted that assistance; and if it had, Colonel Mahon did not cross the bridge until dusk. I was, in the confidence of success, waiting for reports; while the generals, by some misunderstanding, state, that they were waiting for orders! I had understood that General Gower, who explained to them the details upon the map, had given orders to report; and I remained at the Coral for that purpose: but, independent of this, the Court will consider whether, under all the circumstances, General Craufurd, who certainly did know where I was, ought not to have reported his situation; which he might have done for three hours after he occupied it. With respect to the facility of communication, I think it will be admitted after the attempt of the carabineers, that it could not have been forced, after the middle of the day, or indeed earlier, through any of the central parts of the town; but though the carabineers, who had approached the centre defences, could not penetrate, I did not necessarily infer disaster to the columns, which were directed not to persevere against those defences. I might have opened a communication with the flank corps, and possibly by the corps at the Residentia, if I had applied any considerable portion of the carabineers and the 9th to that purpose; and no

doubt can be entertained, that I should have done so, if I had suspected the necessity. But I have shown, that circumstances led me to conclude that the right had succeeded more completely than the left. Upon the subject of the confidence entertained in the success of the attack, I think the Court will feel satisfied, that whatever might be the shades of differences of opinion as to the plan at *the time* (for I deprecate judgements formed *now*), no difference of opinion existed as to its *success*, and no apprehen ion of its failure. This has been proved by various officers of the staff, who were more likely than all others to have heard any such opinion, if it had existed. It has been proved, that though my second in command was with me the whole day (and one of my reasons for keeping him was, that the plan had been considered and arranged by himself), neither he, nor any other person, either felt the danger, or suspected the misfortune, which happened; or suggested any means, founded upon any such suspicion; but that they were, like myself, expecting every moment to hear of our columns being in possession of the town. No measure, therefore, was proposed or suggested; and we retired to head-quarters with a full confidence in the safety of the right. Is not this a proof, from facts (more strong than any evidence subsequently given), of the impression which then existed? To conclude this charge, I may have erred in adopting a plan which has failed; I may, from too great confidence in it, have neglected to take all the precaution necessary, and which I should have taken, could I have foreseen the resistance which was opposed to us. I may, under this impression, have commenced the attack before I had concentrated all my force; and I may have permitted valuable time, on the morning of the 5th, to pass by, in the expectation of receiving accounts of our columns being posted: and acting upon the impression of the moment, and which I felt only in common with others, as to the ultimate success of the attack, I may not have taken steps and made exertions which were called for by events of which I had no knowledge. The Court therefore, I trust, will see that whatever blame may, in their judgement, attach upon my conduct, can originate only in my not having foreseen these events, in an error of judgement, in under-rating my enemy's, and too highly estimating my own, forces; and that the charge, therefore, is neither applicable to the case, nor the circumstance or situation in which I was placed.

I have endeavoured candidly, and I hope satisfactorily, to put the Court in possession of the causes of the result of that day. I think I have proved, that the misfortunes which have happened were produced by causes having no connexion with the charge; many, if not the greater part of them, not originating in my conduct. And yet I have been arraigned for not

having made, although it was in my power, any effectual attempt, by my own personal exertion, or otherwise, to co-operate with or support the different divisions of the army, when engaged with the enemy; with having left the division without aid or support, and thereby compelled them to surrender! and upon this charge evidence has been pressed with peculiar earnestness (the result has shown how unjustly) against my personal character. For the errors I may have committed on that day, and with which I am now charged, I throw myself upon the justice, the candour, and liberality of the Court, satisfied, that error in judgement will not (after the numerous instances in which others have also made false estimates of the comparative means of resistance and attack) be considered by the Court as meriting even that which I have already suffered in this prosecution.

Upon the fourth charge, in which it is imputed to me, that I shamefully abandoned and delivered up to the enemy the fortress of Monte Video, which was not then in a state of blockade or siege, I might rest satisfied with referring the Court to the evidence of the general officers, and Admiral Murray, inasmuch as no evidence has been adduced to support it; for every person who has been examined upon it, has completely disproved the charge. The details into which General Gower and Sir Samuel Achmuty have entered upon this subject, would also justify me in referring to the evidence, instead of attempting to add less powerful reasons of my own: but as on this charge is founded so much of the public clamour against me, I must request permission of the Court to offer a few observations upon it. I must recall the recollection of the Court to the observations I have before made upon the state of South America and the dispositions of the inhabitants towards us, and their views and objects in relation to any intercourse or connexion with us. I must also request the Court to refer to my instructions, and to my commission as civil governor as well as that of commander of the forces in South America; and I shall lay before the Court the information communicated to me on my arrival in South America, by the distinguished officer whom I there found in the command, and which I have stated in my preliminary observations.

But before I proceed to apply all these observations, it is necessary that I should advert to the situation of the army on the morning of the 6th; for it is obvious, that in the investigation of this charge no *prior* event can influence the question whether I acted with sound discretion or not, in concluding the treaty upon which this charge is founded. Whatever may have been the causes which placed the army in that situation, it became my duty to act upon the circumstances as they *then* stood; and I trust I shall show, that in pursuing the course I did, I disregarded

all personal considerations, and, to the best of my judgement, pursued the line of conduct which was most conducive to the public interests. We had possession of a situation on each flank of the town, and at the Tauros had taken a considerable proportion of the enemy's artillery, but we had in fact made no real impression on the enemy, particularly on the centre defence of the town. The best troops of the army were prisoners in the hands of the enemy. Our loss was severe, including, as the Court have heard, and the details of which, therefore, I need not repeat, a very large proportion of the army. Experience had shown that we under-rated their means of resistance, success had increased *their* confidence, and misfortune in the same proportion lessened *ours*. The first object of consideration was the propriety of renewing the attack, and the mode of doing it; the chance of success, and the use we could make of that success, if within our reach. Every personal feeling as a soldier would have most powerfully urged me to proceed, and endeavour by ultimate success to withdraw attention from intermediate failure; and every motive of even interest, as civil governor, would have led me to hold as much as possible of what we possessed in South America.

It is not necessary for me to enter into any discussion as to the practicability of still taking Buenos Ayres: though I think the Court, on referring to the description of the town, its extent, the nature and construction of the buildings, and still more the ground, would not place any great reliance upon the effect of batteries erected at the Tauros, which might have ruined some of the adjoining squares of houses, but could have produced little effect upon the rest of the city, or the centre of it. If cutting off supplies was a doubtful expedient with my whole force, it was clear that it could not be attempted with that which remained. But I need not press these points, as the motives by which I was governed would have withheld me from making the attempt, even had our chance of success been much less doubtful than it was possible, in any view of the question, to consider it to be.

I was fully satisfied; and on this General Gower and Sir Samuel Achmuty agreed with me in opinion, that the capture of the town would, under the circumstances in which we then were, have answered no beneficial purpose; and it was doubtful whether we could have maintained it, if we had taken it.

I felt satisfied that a renewal of the attack would have been attended with the destruction of the prisoners, in which opinion many others, who had been in the town, concurred: and though I do not contend, that even the safety of the prisoners ought to have operated to have prevented my pursuing any great national object; yet I think it will be admitted that, with the opinion en-

tertained by myself, and General Gower, and Sir Samuel Achmuty, that no beneficial object would be attained by a capture of the place, I should have deserved the execrations of my country, and to have been driven from society, if I could, with such impressions, have wantonly incurred even the hazard of sacrificing the lives of so many brave and unfortunate men, to gratify my personal feelings.

The renewal of the attack, therefore, was not a subject of very long consideration. The next and most important object of consideration was the giving up (as proposed by General Liniers) our footing in South America, and retiring from the Plata, as the only means of redeeming the prisoners. On this subject many important considerations occurred, most of which will have been anticipated by the Court, from the preliminary observations I have made upon the state of the country and the nature of my instructions.

It was supposed in my instructions, that the number of men necessary to conquer, and keep, the province of Buenos Ayres, would not exceed 8000 men, which is stated to be as large a force as the country would be willing to spare for this object; relying, as the government then did, in consequence of the false information (which, as I before stated, had been given in this country with respect to the state of South America) upon the assistance to be drawn from colonial force. I found that a residence in the country of some months had produced a conviction in the mind of Sir Samuel Achmuty, which subsequent events could not but confirm in his mind, and impress upon mine, that double that force would be required to conquer and maintain the country; that it must be occupied as a hostile country, with every inhabitant as an open or concealed enemy; and that under many disadvantages in a military point of view, of the temptations to desertion (the effect of which I saw during my short residence in the country), the extent of country to maintain, and constant supply of soldiers which the number required, and the nature of the service and desertion would render necessary.

The inhabitants became every day more exasperated, as experience had proved, on my attempt to hold a military post or any civil authority in the country; and we could not ensure the maintaining of Monte Video, but by turning out of their habitations (as has been proved by Sir Samuel Achmuty) nearly 14,000 inhabitants—an act which must have required very powerful reasons to justify it, and almost for ever precluded the hope of forming any future connexion with that country.

The Court will have seen, from the instructions to General Craufurd, and mine, which in that respect refer to his, that I was in the strongest manner, and without the smallest deviation, precluded from holding out any hope or expectation of assisting in

their views of independence, or even of affording assurances of protection in case of peace, or that the country we might occupy in South America should not be restored to Spain by any treaty at the end of the war.

I felt therefore satisfied, that I could only maintain a burthensome command at Monte Video, useless to the country, either in a military or political point of view, or at all events holding out or securing no advantages adequate to the difficulty of maintaining and supplying it in the manner described to the Court, while the possession of it was only to be kept by dispossessing the inhabitants of their houses. With these impressions upon my mind, as to the value of that part of South America which it might be possible for me to retain, I had to consider, on the other hand, the situation of the army. If it was useless to remain in that country (as I was convinced it was, to any real purpose, commercial or political), the next object of attention seemed to be, to preserve the army for more valuable objects. In addition to the men taken prisoners under General Beresford, a large proportion of my army had fallen into the enemy's hands. We could have no hope of procuring the restoration of any of them, but by agreeing to leave the Plata; and the Court will have seen, that the recovery of the prisoners under General Beresford was made in my instructions an indispensable article. The question, therefore, was reduced to a simple point—whether it was eligible to resign that which I, and those whom I advised with, thought of no value to the country under all the circumstances, for the sake of restoring to the country the army under my command, which, having failed to attain the object in view, I felt it my duty to preserve for more important and useful service. Actuated by all these, and many more considerations of this sort (for it would not be difficult, if it was necessary, to pursue the subject much further), and in concurrence with the General Officers of my army (one of whom was, from his residence in the country, and experience acquired in it, as well as from his acknowledged talents and high and justly acquired character and sound judgement, peculiarly able to advise upon this occasion), I entered into the treaty for quitting the River Plata upon the terms stated: the main and important object being the restoration of the numerous prisoners: and, in so doing, I am well assured that, after this investigation, and the information the Court will have received from the evidence produced, and the papers which I have alluded to, the Court will think that I exercised a sound discretion, and was actuated by public motives; in opposition to every private feeling and interest, which would have led me at all hazard to have endeavoured to recover what I had lost, or at all events to retain a footing in South America. I need only refer again to the evidence of General Gower and Sir Samuel Achmuty, particularly that of the latter, and his pointed and decided answer to a question of the Judge

Advocate, formed on the clause in my instructions which provided for the case of its becoming necessary, at any subsequent period, to abandon whatever had been before possessed, and to withdraw the whole of the British from that country, that he was of opinion, *that the necessity* HAD OCCURRED *in a military point of view*.

I have thought it necessary thus shortly to state the motives which actuated me in signing that treaty, for the purpose of laying before the public, and presenting to the Court, part of the grounds upon which I and others have been led to believe, that no valuable object could have been, in the present disposition of the inhabitants of that country, attained by the holding any military post there upon the terms on which we must have held it; and to prove, that the hopes which had been entertained upon the subject of South America, however general, were not just; and that all the expectations which had been raised on the possibility of our forming a connection with the country were fallacious. The exclusion of our manufactures from the Plata since the evacuation is an additional proof, if any were wanting, of the present spirit of that country.

Having said thus much in relation to this charge, on general grounds, I cannot, in justice to the Court, and for the sake of precedent, conclude, without suggesting to the Court, and the Judge Advocate, whether this charge also has not been founded on a misapplication of the clause in the articles of war, to the circumstances under which I stood in making that treaty.

I have not adverted to this, until I had stated the grounds on which I acted in exercising the discretion entrusted to me, but have thought that I should not be justified in omitting to observe upon it. The Court will recollect, in the first place, that I was civil governor of the province; and that in a military point of view, and with reference to the articles of war, this fortress was actually in charge of *another* officer under my command.

A commander-in-chief of an army, having a general superintendance and command, is not "an officer holding a fortress committed to his charge, or which he is ordered to defend."

A commander-in-chief of an army may order the commander of a fort to surrender it; but that will not make him the *commandant* of the fort, within the articles of war.

The commander-in-chief of an army, and more particularly as civil governor, has undoubtedly a reasonable discretion as to what posts or fortresses he will continue to hold; and in the due exercise of this discretion may order any particular fortress or fortresses to be given up. This flows necessarily from the nature of the authority of a commander-in-chief and civil governor, under which commissions he, for the purposes of war, represents his sovereign; for which doctrine Vattel and others authorities might be referred to; and in this case the discretion as to destroying Monte Video is specifically given me by my instructions. But the governor of

a fortress (as of Gibraltar,) or the officer in charge of a fort, has no such discretion; he can only resort to absolute necessity for his justification. The articles of war apply to the governor, or actual commandant of the fortress, to whom it it *specifically* given in charge, and who has the particular defence of it.

The Court will also recollect, that the Judge Advocate by the question he so pointedly put to Sir Samuel Achmuty, seems to consider military necessity as the only ground; which I have before shown to be applicable only to the actual commander, and not to the commander-in-chief, or civil governor.

The fortress is stated in the charge to have been neither in a state of blockade nor seige—words which, I am inclined to think, would in themselves do away the charge, as proving, that the treaty by which it was restored neither had, nor could have, any reference to *military* considerations, or any *military* charge or defence of it.

But it is not necessary for me to pursue this further: I have not felt it necessary to my case, as it is not a charge upon which I have ever entertained a moment's anxiety: satisfied, as I have been, that the more this part of my conduct was investigated, the more convinced those who entered into the investigation, and ultimately the public, would be, that, in the concluding act of my command, I, and those who advised what I adopted, had pursued the course pointed out by the interests of the country, under all the circumstances of the case.

I have at length arrived at the conclusion of the observations which it has been my duty to make upon this important case. I have been compelled to enter into elaborate details, and to trespass upon the patience and indulgence of the Court at an unusual length. But it is, as the Judge Advocate has stated, no common case. The country look to your dispassionate judgement as a guide, by which they may hereafter duly appreciate the real characteristic of these transactions. I look to that judgement as a protection against public prejudice. I have looked to this trial as an opportunity (the use of which I am sure will not be denied me by this high Court) of which I might honourably and properly avail myself, to repel the calumnies which have been levelled against me. It has not been enough to load me with opprobrium, as the sole cause of the misfortune in South America; to propagate malicious slanders against my character and conduct in this expedition; but the persevering industry with which calumny pursues the unfortunate, has been busily employed in collecting materials to attack my former services, whether at home or abroad: and not satisfied with this effort, my military life (now upwards of thirty years) has been the subject of the most contemptible falsehoods, in publications spread with industry, bought up with avidity, and implicitly believed, because they gratified the general inclination, which unhappily too often leads public opinion to confound all

distinction between crime and misfortune, and to consider want of success as conclusive proof of misconduct. I hope and trust, that the full and minute investigation which this transaction has undergone, and your dispassionate judgement upon my conduct, will allay the public feeling as to this event.

But, as calumny has been busy with my character, I must, when I produce my evidence, intreat the indulgence of the Court, and their permission, to take up a few minutes of their time, by producing testimonies of former service. I entered the service at an early period of life, as an ensign, under the high and distinguished auspices of Lord Barrington; and in consequence of having received a military education at the most celebrated institution of that day, I was appointed Adjutant to a battalion of flank companies before I had been six months in the service. I have, for upwards of thirty years, been actively employed as an officer in the service of my country. During that period I have been ten years in the West-Indies; and, at one period of that time, engaged in active service in St. Domingo; part of the time in command there. During that service I received honourable testimony of my conduct, and shall beg permission of the Court to allow me to request General White, under whom I served in St. Domingo, to state his opinion of my military conduct while in active service under his command. I shall also present to the Court a letter from General Spencer (who was the next in command to myself), which he has left with me for that purpose, as the public service did not admit of my detaining him to give evidence. I have selected these two officers as best able, from our relative situations, to speak of my conduct; and I have chosen that period as most applicable from the nature of the service. The other evidence I shall have to produce will not occupy much of the time of the Court.

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Soon after Lieutenant-General Whitelocke began reading his defence, he requested permission of the Court for Mr. Harrison, who had throughout the proceedings attended as his counsel, to read it for him; but it being intimated that it was contrary to the practice of Courts Martial for any professional person to do so, and that any military friend might assist him, it was read by Lieutenant-General Whitelocke, Mr. Sewel, Mr. Lewis, and the Honourable Brigadier-General Meade.

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*Lieutenant-General Whitelocke* handed several papers to the Judge Advocate General.

*Judge Advocate.*—The evidence which I now hold in my hand are letters written by Sir Samuel Achmuty to the Secre-

tary of State for the war department at home. I must state to the Court that they are not legal evidence, because any information which they can convey ought, strictly speaking, to be received from the writer himself, who has been heard in Court, and who certainly may be called as a witness: but I have not the slightest objection to their being read, and I believe it will be the quickest mode in which any information from Sir Samuel Achmuty can be conveyed to the Court; therefore I shall wave the objection which in strictness I might make.

Letter read from Sir Samuel Achmuty to the Right Honourable William Windham, dated February 7th, 1807. *(See Appendix II.)*

Letter read from Sir Samuel Achmuty to the Right Honourable William Windham, dated March 6th, 1807. *(See Appendix II.)*

Letter read from Sir Samuel Achmuty to the High Court of Audienza, dated February 6th, 1807. *(See Appendix II.)*

Letter from Lucas Muno Fran. Thomas y Arbero de Angotique; and others to Sir Samuel Achmuty; dated Buenos Ayres, March 2d, 1807. *(See Appendix II.)*

Letter from General Liniers to their Excellencies Sir C. Stirling and Sir Samuel Achmuty, dated March 2d, 1807. *(See Appendix II.)*

Letter from the Cabildo to Sir C. Stirling and Sir Samuel Achmuty, dated March 2d, 1807.

General Order read, dated head-quarters, Monte Video, May 18, 1807. *(See Appendix II.)*

General Order read, dated head-quarters, Monte Video, May 21st, 1807. *(See Appendix II.)*

General Order read, dated head-quarters, Monte Video, May 25th, 1807. *(See Appendix II.)*

General Order read, dated head-quarters, Monte Video, May 31st, 1807. *(See Appendix II.)*

General Order read, dated head-quarters, Monte Video, June 6th, 1807. *(See Appendix II.)*

General Order read, dated head-quarters, Monte Video, June 11th, 1807. *(See Appendix II.)*

Adjourned.

# THIRTY-FIRST DAY.

## TUESDAY, MARCH 15, 1808.

*The following general orders were read.*

Head-quarters. Ensenada de Barragon,
June 28, 1807.

The army will be in readiness to advance at a moment's notice; the necessary arrangements will be made by the Commissariate Department for Provisions for the troops on their march, and the General directs, that neither cattle, nor other species of property, may be taken from the inhabitants by any individual, without first paying for it. The Commander of the forces takes this opportunity of cautioning the army against plundering, being determined to punish, with the utmost severity, all that may be found doing so.

Heights above Ensenada de Barragon,
June 30, 1807.

THE Commissary General will take care that one of his department is sent forward with each body of the army: he will fix his quarters as near as possible to the officer commanding, and consider himself responsible for every possible exertion being used to obtain, without delay, the necessary supply for the troops. General officers will be pleased to give directions, that all officers remain upon the ground occupied by their men, in the situation pointed out for each rank, according to the regular order of encampment. The Commander of the forces takes the earliest opportunity to return his best thanks for the active and spirited conduct evinced by the 38th and 87th regiment, in dragging on the guns through the difficulties of yesterday's march, which he will not fail to represent to his Majesty.

One hour after the position for the day is taken up, Brigade-Majors are to attend at head-quarters, to receive the general orders for the day.

Some officers' servants having been straggling on the line of march, the General holds commanding officers of regiments responsible, that no individual belonging to the respective corps is allowed to proceed, except in his proper place, in columns, or under the protection of an armed power.

Head-quarters, Camp,
July 2, 1807.

The Commander of the forces relies upon the zeal and spirit of the troops he has the honour to command, to enable them to bear, like British soldiers, the unavoidable privations attendant on the present service. Every measure has been taken to procure a supply of bread and spirits from the shipping; but the men must themselves be aware, from the difficulties they have encountered from the march of to-day, how uncertain it must be whether this refreshment is conveyed to them.

The troops will this evening cook two days' provisions to carry with them on the march to-morrow, and commanding officers of regiments are held responsible for a strict compliance with this order.

*Lieutenant-Colonel Bourke called in again.*

*Examined by General Whitelocke.*

Q. Are you acquainted with the hand-writing of General Gower?

A. I think I am.

Q. Is that his hand-writing?

A. To the best of my belief it is.

Q. Will you look at these different papers and say, whether they are all in General Gower's hand-writing?

A. I believe they are.

Q. Do you mean to include the hand-writing upon the sketch?

A. I think so.

Q. There are two sketches, do you mean both?

A. Upon both.

*General Whitelocke.*—I should wish to have these letters read.

Letter from Major-General Gower to Lieutenant-General Whitelocke, dated heights above Barragon June 28, 1807, was read. *(See Appendix II.)*

Letter from Major-General Gower to Lieutenant-Colonel Torrens, dated two o'clock P. M. June 30, 1807, Ustantia Roderique, read. *(See Appendix II.)*

Letter from Major-General Gower to Lieutenant-Colonel Torrens, dated heights above the Chuello, 1st of July, 1807, three o'clock, P. M. enclosing the sketch of the route of the army read. *(See Appendix II.)*

Letter from Major-General Gower to Lieutenant-Colonel Torrens, dated heights above the Chuello, July 2d, 1807, enclosing the sketch of the route of the army, read. *(See Appendix II.)*

Q. Were you present when General Gower examined his guides before he wrote his letter on the morning of the 2d of July, and state the result of that examination?

A. I was present at that examination, and the result was this, that the guide having expressed a great deal of uncertainty as to the state of the Passo Chico, the General seemed determined not to move to the Passo Chico, but to endeavour to find some more practicable ford higher up.

Q. Was the letter written after that examination?

A. It was.

Q. Did you report to me on your return from General Gower, the purport of the examination of General Gower's guides?

A. I did.

Q. Could any separation of the advanced and main divisions of the army have taken place, if General Gower had marched according to the route pointed out in his letter; and state what, in your opinion, would have been the relative situation of the advanced and main divisions on that day if he had so marched?

A. If General Gower had kept along the heights, I do not think that any separation could possibly have taken place, because as soon as the main division had crossed the Arroyo de Masiel it was upon those heights which were not above two or three miles in breadth, and if General Gower's corps had kept along those heights the main body would have fallen in at a short distance in his rear.

Q. Does your answer apply to the high ground mentioned in the letter?

A. It does. It applies to the heights above the Rio Chuello.

Q. Would not the advanced and main divisions in that case have crossed at the same ford?

A. They would have been upon the same line of march; and if the rate of marching had been at all equal, they must have been pretty close together.

Q. Did you report to me the circumstance of seeing General Gower's division moving in a direction from us before I crossed the Arroyo de Masiel?

A. I did not. I thought I saw Colonel Torrens pointing it out to General Whitelocke.

Q. Did you even then suppose, that any separation would take place?

A. I did not; because, on mentioning the circumstance to the guide, he informed me, that when we had crossed the Arroyo de Masiel, we should move in the same direction also.

Q. From your knowledge of the country in which we were to act, and the enemy to which we were to be opposed, do you think it would have been expedient to have taken less infantry and more cavalry, it being impossible to increase one but at the expense of the other?

A. Considering the service upon which we were to be employed, and the sort of cavalry which we could have procured, I do not think it would have been by any means expedient.

Q. Did I ever give you any orders to inform Mr. Bullock, the Commissary-General, that the landing was to take place within five or six miles of Buenos Ayres; and did you ever inform him to that effect?

A. I never received any orders to acquaint Mr. Bullock with the landing-place, nor to make any arrangements with him whatsoever relating to the expedition to Buenos Ayres, excepting to appropriate a transport for the conveyance of some mules and carts. I certainly never told Mr. Bullock that the landing was to take place within five or six miles of Buenos Ayres: I remember to have told Mr. Bullock that the landing would take place within four or five miles of a village, into which I recommended him to detach an assistant and some lassomen, to take possession of whatever stock it might be found to contain: beyond this I do not remember to have had any communication with Mr. Bullock respecting the expedition to Buenos Ayres previously to the landing.

Q. Did you ever inform Mr. Bullock that the British troops would be in possession of Buenos Ayres in three days after they landed?

A. To the best of my belief, I never did.

Q. Did you ever state it to Mr. Bullock, as your opinion, that the army would re-embark immediately after it landed?

A. Certainly not.

Q. It being my intention to land with three days' provisions, and to take three more from the navy at Reduction, do you imagine that any particular previous arrangements with the Commissary-General were necessary to the success of the expedition, in addition to those already made at Monte Video before his arrival, and the subsequent order for embarking mules and carts?

A. I do not think that any further arrangements were necessary to carry those intentions into effect.

Q. Were there not Lassomen with the advanced division; and were they not successful in procuring cattle? State your means of knowledge upon that subject.

A. On the morning of the 1st of July, when the main body of the army joined the advanced corps, I saw a krawl full of bullocks, which I understood had been driven in by the Lassomen attached to that division.

Q. From whom did you understand that?

A. I really cannot exactly say at this time. I saw the bullocks, and heard they were driven in by the Lasso men. I cannot exactly say from whom I heard it.

Q. Did you ever hear that the army sustained any real inconvenience from want of provisions?

A. I did not.

Q. The time of my receiving General Liniers' letter seems not to have been clearly fixed; I wish, therefore to ask Lieutenant-Colonel Bourke at what time you were sent for by me to the Coral, to see the letter from General Liniers?

A. About half past seven.

*Judge-Advocate.*—I have no questions whatever to ask Colonel Bourke.

*Examined by the Court.*

Q. Did you understand from General Gower's letter, and did you, at the time you delivered it, give Lieutenant-General Whitelocke to understand that General Gower would not attempt to cross the river at the Chico ford?

A. I understood at the time that the conversation passed between General Gower and the guides, that he did not mean to try to pass at the Passo Chico; and, to the best of my belief, I reported that circumstance, and nearly the whole of the conversation, to General Whitelocke.

*General Dundas.*—Was it in consequence of the report from Major-General Gower that the main body of the army found it necessary to alter the direction of its march on the 2d of July?

A. I cannot say whether it was in consequence of that report or not, that the route was so altered.

*General Norton.*—What advantage was the main body to derive from deviating from the route of the advanced corps?

A. It shortened its distance considerably, moving, as it did, with a view to pass the river higher up than the Passo Chico; at least such was the expectation formed from the account of the guides. If the Court does not completely understand that, I think I could explain it more fully by a reference to the map.

*Lieutenant-Colonel Bourke pointed out the route on the map to the Members of the Court.*

*General Dundas.*—Was all idea of passing at the Chico totally abandoned?

*Sir John Moore.*—The letter does not say so.

*General Dundas.*—It appears to me, from the letter, that he had abandoned all idea of passing the Chico.

*General Whitelocke.*—I should be obliged to the Court if they would ask Colonel Bourke, what was his opinion of General Gower's intention.

*Judge Advocate.*—Did you understand from the communication you had with Major-General Gower, the morning of the

2d of July, that it was his intention not to attempt to cross the river at the Passo Chico?

A. From the communication with the guides, at which I was present, I certainly did; but I do not remember to have heard General Gower say so in express terms.

Q. Did you state that to be your opinion to General Whitelocke?

A. I think I did.

*Sir John Moore.*—Did you consider it to be General Gower's intention not to pass the Passo Chico at all events, even should he be afterwards informed that the Passo Chico was practicable?

A. By no means. I conceive that his reason for not marching to the Passo Chico was, on account of the apprehensions expressed by the guide, that it might be found impracticable.

*Judge Advocate.*—I will read a paper put into my hand by General Whitelocke, which is an observation upon General Gower's letter of the 2d of July:—"Lieutenant-General Whitelocke requests permission to point the attention of the Court "to the words of the letter: the first part says, he will march "to find a ford certainly practicable: the guides *had* just been "saying, *the Passo Chico was not certainly practicable.* The "whole of the latter part of the letter is General Gower's reason "for not trying the passage, as if it *should*, he does not use the "word 'shall,' but excludes it altogether in the first part of "the letter, and assigns his reasons for doing so in the latter "part of the letter."

*Judge Advocate.*—General Whitelocke produces a letter from Sir Adam Williamson to the Right Honourable Henry Dundas, dated Jamaica, 2d of March, 1794.

*It was read*—(see Appendix II).

Extract from a letter from the Right Honourable Henry Dundas to Sir Adam Williamson, dated Whitehall 28th April, 1794, read; beginning, "On the 16th instant I had the plea-"sure;" ending, "employed in his Majesty's service."—

See App. II.

Extract from a letter from the Right Honourable Henry Dundas to Brigadier-General Whyte, or the officer commanding the troops at St. Domingo, dated Whitehall, 19th July, 1794, beginning, "By the Duke of Cumberland Packet;" ending, "gallant behaviour of Lieutenant-Colonel Whitelocke, Ma-"jor Spencer, and the rest of the officers and men employed "on this occasion." *(See Appendix II.)*

*Judge Advocate.*—This is a copy of a letter from Major-General Spencer to Lieutenant-General Whitelocke, dated Portsmouth, December 15, 1807.—I ought to observe to the Court, that these letters, strictly speaking, are not legal evi-

dence; and I think it right to make that observation; at the same time, as conducting the prosecution, I do not make the slightest objection to their being produced.

*It was read. (See Appendix II.)*

A letter referred to in the above, dated Port-au-Prince, June 8, 1794, was read. *(See Appendix II.)*

*Lieutenant-General John Whyte sworn.*

*Examined by General Whitelocke.*

Q. How long have you known me?

A. Since the year 1794.

Q. When, and on what occasion did our acquaintance commence?

A. I was ordered by the late Lord Grey to go down with a reinforcement from Martinique; after the capture of Martinique, to Saint Domingo, where I met General Whitelocke, in the command of the island of St. Domingo.

Q. What was the first military operation in which I was engaged under your command?

A. Against Port-au-Prince.

Q. State your opinion of my conduct and character, as an officer, while under your command.

A. When I went upon the attack of Port-au-Prince, Lieutenant-General Whitelocke, then Lieutenant-Colonel Whitelocke, was employed as Quarter-master-General, without pay or emolument; in which capacity he acted, conditionally, that he should lead the principal column of attack against Fort Etet, which commanded the centre of Port-au-Prince; which he did with the greatest gallantry.

*General Whitelocke.*—Mr. President, and Gentlemen of the Court—Here I close my evidence. It only remains for me to thank the Court for their patient attention to my defence. I am satisfied that no prejudices can operate here to my disadvantage; and that my errors, whatever they may have been, will be considered by the Court with impartiality—with candour; and, if it be necessary, even with indulgence. To their judgement I submit my honour and character, and every thing dear to me in life.

## THE JUDGE ADVOCATE'S REPLY.

SIR WILLIAM MEADOWS, and General Officers of this Court Martial, Though the unprecedented length of General Whitelocke's defence yesterday, might, perhaps, according to the usage of Courts Martial, entitle me to claim some time for consideration on the arguments he had adduced, yet I am desirous of waving any claim I might have of that kind, from the anxiety which I feel on the one hand, that any observations which I may have to make on that defence, may be made while it is yet fresh in your recollection; and, from the certainty I have, on the other hand, that the case which has been made out in support of those charges, whatever it may be, is untouched by any evidence which General Whitelocke has brought forward. I am sorry, however, that, before I come to those charges, I must take notice of some very unexpected observations which have fallen from General Whitelocke, in the course of his defence, complaining of the conduct which I have pursued in this prosecution. If he thinks he has a right to complain, I cannot, on my part, regret that he has done so; but I am called upon to answer those complaints, not only in vindication of myself, but, in some degree, likewise in vindication of the Court, who were bound, and whose duty it was to interfere, if there was any thing in my conduct to justify the comments which General Whitelocke has made, with a view to the interests of the army, and from a regard to the security of the lives and characters of the officers who might be called upon, in future, to answer in proceedings of this nature.

The first complaint, in point of order, which he has made, I believe is this, that, in the opening of the charges, I stated to the Court the grounds upon which it had been found necessary, by his Majesty's Ministers, to institute this proceeding. I thought it necessary to explain to the Court, the difficulties they would have to encounter, in consequence of no private prosecutor coming forward. The conduct of the prosecution had, therefore, devolved upon one whose habits of life had deprived him of the means of obtaining any knowledge upon military subjects, who had no opportunity of making up for his ignorance of these subjects in general by obtaining the important information, what the particular facts were which each witness could ascertain. In stating the reasons which had led his Majesty's Ministers to disregard these disadvantages, and to feel it to be their indispensable duty to the public to institute these proceedings, it was not my fault if those grounds were strong. Whether, in doing so, I appeared, as he imputes to me, to endeavour to inflame any popular prejudices against him, it is not perhaps for me to judge; but, I must beg leave to observe, that if that had been my object, which it was not,

the materials were not wanting. I must remind the Court, that I did go out of my way to give a caution, very unnecessary, as far as the Court was concerned, against being led away by any popular prejudices upon the subject. I implored them to look to the evidence, and to the evidence only; and, upon that point, I shall leave it to the Court to consider, how far General Whitelocke is warranted in complaining of the conduct I pursued.

The next point which he complains of is, that officers have been called to give narratives, and that, in consequence of those narratives, much illegal evidence has been brought before the Court. It has always been matter of regret to me, that in consequence of the proceedings being to be carried on by a person who had no previous means of knowing what each witness was able to prove, except on one particular point, which I shall be under the necessity of stating to the Court presently, it should have been necessary (the Court were of opinion it was so) that the different witnesses should be called upon to state what they knew, in respect of every part of the subject, in order that the whole case might be laid before the Court, for them to judge of it. The introduction of much irrelevant matter became unavoidable, and greatly protracted the length of this trial. If, in the course of that proceeding, any illegal evidence has crept in, it has not been from the want of all the caution I have been able to use to prevent it. That it is possible, that in some of those narratives, which have run into extraneous matter, which have been given by officers, of course unacquainted with legal forms, some circumstances not proved by strictly legal evidence may have been admitted, I will not undertake to say; though I protest, I am aware only of one instance of the kind which may be considered, strictly speaking, illegal; all I know is, that whenever I perceived that officers were stating evidence of that nature, I always interfered; and, except in that one instance, which I think took place in Colonel Duff's evidence, who stated a conversation which he had with a Major Ironmonger, which conversation, when first given, I conceived to be a report, and therefore admitted, intending to call Major Ironmonger afterwards, to confirm it, if the facts bore on the case. But the Court seemed to think that unnecessary, inasmuch as the fact stated did not, in their opinion, apply to the case they were considering. I did not, therefore, call Major Ironmonger; and yet the former conversation remains on the minutes. Except in that one case, I am not aware that, in the whole of these narratives, there has been any illegal evidence introduced, though much irrelevant matter has, of necessity, from the mode of proceeding, which it was impossible to avoid, been entered upon the minutes. But I am certain, that there is no one point which can by possibility be construed to be

material to the innocence or guilt of General Whitelocke, upon these charges, which is not proved by evidence most strictly legal. I am now speaking of the facts, without presuming to state what inference the Court is likely to draw from them.

Then General Whitelocke complains, that, in consequence of my conduct, he has been deprived of my assistance. I do not know what assistance I could have afforded, had this proceeding been conducted, as I wish it had been, by any officer connected with that expedition, and I had officiated here merely in the character of Judge Advocate, which he has been deprived of, by the manner in which this prosecution has been conducted: the only assistance which it is in the power of the Judge Advocate to give the party accused in any case is, on the one hand, by shaping any questions, which the party accused has to put, in legal form; by solving any difficulty as to the relevancy of the facts adduced, either by the prosecutor or by himself; and, by taking care, on the other, that no illegal evidence is adduced against him. With regard to the first points, the able assistance which he has had, professional and otherwise, made all assistance from me unnecessary. I have declined no questions he has thought fit to put to me; and, with respect to the other, I have already stated, that he has received all the assistance which, to the best of my judgement, I was able to afford him.

Another complaint is, that, after the charges were delivered to him, other charges, or alterations, were introduced. With regard to that point, I am persuaded I am speaking in the knowledge of every Member of this Court. [Here General Whitelocke interfered, to state that he had not made this a ground of complaint]. If General Whitelocke says he did not complain of that, I am ready to take his admission; at the same time, having mentioned the subject, I think it right to state, that, though it was thought proper to deliver to General Whitelocke the charges as soon as they were decided upon, it is in all cases perfectly understood, that, till the King's warrant is signed, there is the power in the crown, or in the party who brings forward the prosecution, to alter those charges. I was not satisfied with its being generally so understood; but, when I sent those charges to General Whitelocke, I distinctly, and in terms, reserved that power, lest he should entertain the opinion that no alterations might be made in them: I sent him word that it was possible, nay, probable, that some additions or alterations might be made in the charges already delivered.

Another complaint is, that opinions have been stated, grounded upon subsequent knowledge. Now, I do remember, that, in one case, a gallant General (Brigadier-General Cran-

furd) did submit to the Court, or perhaps to me, whether he ought to state a fact, the knowledge of which he had derived from circumstances arising subsequent to the time when he had given information to Lieutenant-General Whitelocke on the subject: that was in the case of Brigadier-General Craufurd, who said, that he had known, after he was taken prisoner, that the army of General Liniers, which he had defeated on the 2d, amounted, I think, to 4000 men; but, it appearing that that fact was not known to General Whitelocke, and could not be known to General Whitelocke at any time when it could influence his conduct, I then gave, as my opinion, that it could not be received in evidence against him, because he could only be judged according to the information he had received at the time, when he was called upon to act upon that information. I protest I do not know (nor has General Whitelocke expressed) to what other passage in the evidence his observations apply; I, therefore, must conclude this charge was merely meant to adorn the defence, and stands on no foundation whatever.

I now come to another complaint, which I am sorry has been made, because it calls upon me to allude to circumstances that I have not adverted to in the course of this prosecution, and which, out of delicacy to the party accused, I should rather have abstained from altogether. General Whitelocke has stated, that proceedings, novel in our military jurisprudence, however they may be sanctioned by other courts, have been adopted for the purpose, as it should seem, of collecting evidence to convert calumnies against him into matters of charge. If that has been the conduct which I have pursued, I do not deserve to remain in the situation I hold; and, I protest, I was at first perfectly at a loss to understand to what circumstances those observations alluded. I will now state plainly to the Court, I owe it to myself, and I owe it to the Court, to state what I apprehend those circumstances to be. It so happened, that when I entered upon the office in which I now address you, I found the charges against Lieutenant-General Whitelocke prepared, but not decided upon: I found, amongst other charges, the charge of misbehaving before the enemy: I need not inform the Court, that it was a charge of cowardice. Upon considering those charges, it struck me, that, with respect to the others, there was the evidence of the orders and dispatches of General Whitelocke, which, without any additional evidence whatever, or without examining a single witness, were, as I stated to the Court at the outset, abundantly sufficient to justify those charges; but I am not ashamed to own, that I did feel considerable difficulty in bringing forwards that charge against any officer, without knowing beforehand that there was some distinct evidence upon which I could

state to the Court that charge was to be supported. I need not remind you of the reports which we have heard; but I did not wish, upon so important a point, to rely upon reports merely; I felt that, with respect to the other charges, however much they might disgrace him as an officer, yet they might not be considered as disgraceful to him in any other than his military character; but that a charge of so ignominious a nature as cowardice, tending to exclude him altogether from society, was one which ought not to be brought, without knowing, beforehand, that it rested upon some ground: that the charge of cowardice, when coupled with the particular circumstances of this case, was one which would never be forgotten, and which would probably cling to him for ever, although he were legally acquitted. I submitted my doubts both to the law officers of the crown, and to several members of his Majesty's government; they felt the same doubts and difficulties: we felt, in common, that the reports were too general to be wholly disregarded; that the country had a right to expect that, if there was just ground for such a charge, that charge ought to be brought forward; but that, without knowing that there was any other ground than mere report, it was hard upon the party accused. Under these difficulties, I did reluctantly, I acknowledge, forego the determination I had made, of having no previous communication with any one witness who was to be called in this prosecution, and I resolved upon seeing some of the officers of General Whitelocke's staff; not all, for all were not in town at that time; I resolved to see them, not as General Whitelocke has stated, "for the purpose, as it should seem, of "collecting evidence to convert those calumnies into matter of "charge," but for the purpose of preventing that those calumnies, if calumnies they were, should be brought as matter of charge against Lieutenant-General Whitelocke. I need not state to the Court that that was an inquiry which could not be pressed. The result was, that there did not appear to me to be ground upon which I could have stated to the Court, that there was a foundation for that charge; in consequence, the charge was dropt. After this accurate statement of what passed upon that occasion, I will leave it to the Court to decide what ground of complaint General Whitelocke has against me. Whether the delicacy which I felt, and upon which I acted on the subject, may have been misapplied, I will not inquire. He owes me no thanks for it; for it arose from no personal feelings towards himself; but it arose from the regard which I felt to be due to the character of any officer brought upon his trial; a regard which I am not ashamed to avow, and which I shall never repent having yielded to.

The next subject of complaint is not less serious than the last. In enumerating all the various instances of harsh conduct

which he thinks he has received from me, he says, "still less "could I suppose that the protection of the Court would "be necessary to prevent the prosecutor, educated in legal "habits, from pursuing me even to my private moments, "and requiring my Secretary to state all the conversations, "which in the course of our relative situations, have passed "between us: and yet, it is at this point only, and through "the interposition of the Court, that the prosecutor has "stopped in his inquiries."—Now, Sir, the only answer which I can make to that charge is the most direct and unequivocal denial of the fact stated: and to prove that I do not make that assertion on slight grounds, I will read the minutes of what passed upon that occasion. A question was put by me to Lieutenant-Colonel Torrens.

[The Judge Advocate read an extract from the evidence of Lieutenant-Colonel Torrens—*beginning*, "Relate to the Court "the conversations which passed between the Lieutenant-Ge- "neral and yourself"—*ending*, "the communication of any of "the Court, or of General Whitelocke himself upon it."]

I have now read the evidence upon which that charge against me is founded, and with that I conclude my observations on General Whitelocke's complaints against me. I have to regret that it has happened, as I intimated to you at the outset I feared it would, that, in consequence of my having unavoidably no previous knowledge of what the witnesses had to state, your attention has been not unfrequently diverted to inquiries, which, after much time spent in minute investigation, appeared to have no direct or important bearing upon the real merits of this case.

It would be an ill return for the unwearied and persevering attention which you have uniformly shown to every part of the voluminous mass of evidence which lies before me, if I were now to take up your time by any recapitulation upon points which appear to me of the description of those to which I have alluded. And I shall abstain from them the more willingly, because, if I should have considered any to be of that description, which may have struck any Honourable Member of this Court as more important, I have the satisfaction of knowing that you are all so completely masters of this case, as to be able to correct any defects, or supply any omissions which I may, inadvertently, fall into.

In the first place, I should wish to dispose of the latter part of the first charge, I mean the article in the summons to the town, requiring the surrender of all civil officers, as prisoners of war, because it is a distinct independent fact, unconnected with any detail of military operations. The fact has been proved, and is likewise admitted. It is charged to have been unusual. If that allegation is not founded, it was for Ge-

neral Whitelocke to have proved the contrary. It was for him to have shown, that, in all the variety of treaties and capitulations, extant in history, there was a single instance to be found of such a demand being made. He has not produced one solitary precedent to justify it. He has stated, indeed, that the civil authorities of Buenos Ayres were decidedly hostile to the English. I readily admit it. But is Buenos Ayres the only town where the inhabitants have been decidedly attached to their own country, and as decidedly hostile to the enemy's. And yet, if in no case has the commander of an invading army ever offered such a condition to the besieged, surely the absence of all precedent, the silence of all history, is no weak argument against its policy and its justice. The charge imputes to General Whitelocke, that instead of embracing the opportunity, when he summoned the town, of proclaiming the beneficial views by which his Majesty was actuated in sending so large a force to Buenos Ayres; instead of holding out such favourable terms of capitulation to the Spanish General, the troops, and the inhabitants, as should induce them to oppose no resistance to the British arms, and, to spare the effusion of blood, he did, on the contrary, insert a condition, which, if the Spanish General was bent upon resistance, he must have wished to receive; because it tended to wound the feelings of every description of the inhabitants, and to rouse one common sentiment of indignation. By that article they were called upon to deliver up every respectable inhabitant to whom they were indebted for the administration of justice, and of the laws, to the discretion of the conqueror. With that article before their eyes, could they believe that his Majesty had not determined entirely to overturn all their laws and usages; every thing which education and prejudice had rendered sacred, when those persons, without distinction, whom the inhabitants looked up to with gratitude and respect, as the instruments of conveying to them the benefit of those blessings, were to be consigned over, at once, to military captivity. Could a stronger incitement to vigorous resistance have been applied to any minds. And though I cannot charge General Whitelocke with a disobedience to his instructions, because his instructions apply only to places which are brought into subjection to his Majesty, yet I cannot help observing, how totally he has deviated from the spirit and letter of those instructions; and how differently he has argued upon them in another part of his dispatch. The instructions state, "that, in whatever part his Majesty's au-"thority shall be established, the greatest care must be taken, "and the most earnest endeavours used, to conciliate the good-"will of the inhabitants, by abstaining from every thing which "can shock their religious opinions or prejudices; by respect-"ing their persons and property, by a removal of those restric-

" tions and impositions of which they most complain, and by " making them feel in general the beneficial influence of his " Majesty's government, as compared with that under which " they were before placed." You will observe that, in his private dispatches, in stating his reasons for abandoning his original intention of bombarding the town, and for having recourse to that unfortunate plan, which forms the subject of the second charge, he says, "Besides the measure of bombardment, or " any other measure which might occasion an indiscriminate " loss of life, ruin the town, and irritate the people, appeared " to me, upon reflection, contrary to both the spirit and letter " of my instructions." Now, the bombardment of the town, however much to be regretted on other accounts, might be a necessary measure to effectuate the object of his instructions, which (whether right or wrong, is not now the question) was to take possession of the province; but, if the bombardment of the town, however necessary in other respects, was in his opinion impolitic, and therefore abandoned, because it might tend to irritate the people, surely the proposing terms of unprecedented harshness and rigour in the first instance, as the earnest of what was to be expected in future, as the first specimen of British forbearance and moderation, was to the full as likely to irritate the people, and to lead to those extremities which he professes himself desirous of avoiding. But whether this general outline of the grounds upon which it was thought right to submit this part of the charge to your consideration be well founded, or whether you shall think, in respect to the former parts of this charge, that all the preliminary preparations, before the sailing of the expedition, were what a skilful and prudent General would have made, with a view to ensure the success of the expedition; that every thing was done to procure a sufficient quantity of cavalry; that it was proper that the Commander of the expedition should have no direct personal conversation with his Commissary-General, whom I think it is stated he never saw above once previously to his leaving Monte Video; whether you think it was right that Colonia, the only strong post above Monte Video on the left bank of the river, the importance of which has been stated by Sir Samuel Achmuty, should be abandoned and dismantled, although it is proved, by his authority, it might have been maintained by a very small force: whether you shall think that in these, or in the other points which were adduced in evidence upon that part of the charge, all was done that ought to be done, and nothing omitted but what was unavoidable, I willingly admit, that these are all points of such minute importance, compared to those to which the second charge applies, that I ought not to take up any part of your time in recapitulating them.

Proceeding, therefore, to the second charge, notwithstanding

the time which has been taken up in inquiring into the difficulties the army had to encounter in passing the swamps from Ensenada to the heights, I here again am ready to admit, at least for the sake of the argument, that whatever losses the army sustained in the crossing that swamp were unavoidably incurred, and those points to which the charge refers I shall consider as beginning from the time that the army reached Reduction, except in one or two instances, to which I shall presently advert. The facts I am about to state are facts which have been adduced in evidence on the part of the prosecution, which have not been contradicted by General Whitelocke, and which, therefore, I must consider as established.

It appears that, on the 1st of July, the advanced corps arrived at a position from two to three miles beyond Reduction; on that day that it passed the river, on the 2d, defeated the enemy, and occupied a position before the town the same evening. That the advanced corps occupied this position by the positive orders of General Whitelocke, but that they received no support from that General, nor was it possible from his movement for him to have afforded them any. That the main body, under Lieutenant-General Whitelocke, arrived at Reduction on the 1st, and that, early on the morning of the 2d, he ordered Major-General Gower to advance, and pass the Chuello, and take up a position near the town, stating that he would support him with the whole of his army. That the main body, on the 2d, marched under General Whitelocke from Reduction, about ten o'clock, and that after a march of seven miles, without passing the river, or communicating with the advanced corps, they halted at half past two or three o'clock, near some farm houses, where the troops could be supplied with fuel. It appeared that the troops were able to have marched further. That a cannonade was heard in the evening, in the direction of the town, and that no measures were taken to ascertain the cause of it. That no reconnoisance was made either to ascertain the state of the bridge, or any of the fords. That the main body, under Lieutenant-General Whitelocke joined the advanced corps near the town about three o'clock on the 3d of July, and took up a position before the town. That the rear guard, under Colonel Mahon, consisting of 1600 men and 200 seamen, arrived at Reduction on the 2d of July, and that a communication was opened with the shipping at Point Quilmes. That Colonel Mahon received orders to halt at Reduction till further orders. That he received no further orders till 25 minutes after ten on the 5th of July, when he received an order by two countrymen to march to the bridge. That the artillery was sufficiently provided and equipped to keep pace with the movement of the army, and that no considerable delay occurred on that account. That the corps which composed the main body

of the army, namely, the 38th and 87th regiments, were more competent to march and to bear fatigue than the 36th and 88th, which, with the light brigade, formed the advanced corps. Therefore, that the main body might have arrived before the town on the evening of the 2d; that if the main body had arrived before the town on the evening of the 2d, and entered the town, the place would have been captured. That fact stands upon the evidence of Major-General Gower and Brigadier-General Craufurd. They have stated to you their reasons for that opinion. They say that the concurrent testimony of all the prisoners was, that till twelve or two o'clock on the 2d of July, the whole force of the enemy and their means of defence had been turned towards the line of the Chuello and the Plata, and that consequently, the entrance of a body of troops into the town, from the westward side, was by them totally unexpected and unprovided for.

I would wish now to take notice of the sort of defence General Whitelocke has set up for this separation of the columns, which, if the evidence of Major-General Gower and Brigadier-General Craufurd is well founded, was fatal to the success of the expedition; and in order to consider not only what his conduct was, but the circumstances under which he acted, it will be necessary to ascertain what information was then received, up to the 2d of July, of the strength of the enemy, and of the state of our own army at that time. The information of the designs of the enemy, as Colonel Bourke states it, was, that he intended to dispute the pass of the Chuello. General Whitelocke himself, in his public dispatch, says, that "the army, "on the 1st of July, reached Reduction, a village about nine "miles distant from the bridge over the Rio Chuello; on the "opposite bank of which the enemy had constructed batteries "and established a formidable line of defence;" and, in his private dispatch, he says, "that there the enemy intended to "make a stand."

It is, therefore, clear, that in attempting to turn their flank, which he says was his object, an action was probable, and General Craufurd has told you, that the moment he saw that order to General Gower, upon which so much has been said, he perceived an action could not be avoided. Of the force of the enemy nothing certain was known; but it appeared that, from the best accounts which could be collected, their force amounted to from 6 to 10,000 men. It is in proof that the 36th and 88th regiments, which, with the light brigade, formed the advanced corps, were not in good marching order, and that General Whitelocke had himself observed the exhausted state of those regiments the day before. The Court will next consider what precautions were taken by Lieutenant-General Whitelocke to secure the certainty of his being able to sup-

port this corps with the main body. In the first place, it appears that the guides were not confronted; it appears that Colonel Bourke, who was sent with that order, which is stated by all the witnesses to have been a peremptory one (except by Brigadier-General Craufurd, who says, that he read it only once, and cannot remember it with accuracy), was directed to deliver it to General Gower as soon after day-light as possible: and it appears that, at half past eight, when Colonel Bourke was on his return from the advance to Reduction, he met General Whitelocke in advance from the main body, no order having been then given for the march of the main body or any part of it: that immediately afterwards an order was given, and carried by Lieutenant-Colonel Torrens, for the 87th regiment to advance: that while Lieutenant-Colonel Torrens was absent, in the delivery of that order, another order was given for the whole body to advance, and that that body did advance at ten o'clock. The Court will recollect that the advanced corps marched from a position about three miles in advance of Reduction; it will be for them, therefore, to consider whether the precautions which were taken, admitting General Whitelocke's defence to be true, that it was intended that there should be no separation of the line of march, whether the precautions taken were those which a prudent and skilful general, under all the circumstances of such a case as this, ought to have taken, to prevent the possibility of the advanced corps (principally composed of the description of men which you have heard, one regiment of very young men, and both ill fitted for marching, from long confinement of many months on board transports), and the whole of the advanced corps, consisting only of about 2000 men, being exposed to the risk of an unequal contest with the enemy. After a march of seven miles the main body halted. I will draw no inference from that halt. It appears that, notwithstanding sufficient and proper measures were not taken to supply the troops with provisions, yet that the troops had bread and meat up to the 30th; that much inconvenience was experienced during the march, from the want of regular provisions, and from the frequent halts, which brought the men so late to their ground, that they could not cook what they had. That they procured cattle and sheep in greater quantities than was necessary for their wants; and that upon the 2d of July bread was found at the Coral for the whole army, for two days. That no communication was kept up with the different divisions of the army, and that the main body of the army marched 31 miles in four days. That Major-General Gower sent a summons into the town on the morning of the 3d. That in so doing he acted under the positive orders of Lieutenant-General Whitelocke, which were communicated to Lieutenant-Colonel Bourke, verbally, by

Lieutenant-General Whitelocke, but delivered in writing by Lieutenant-Colonel Bourke to Major-General Gower. I now come to those facts which appear to me to apply to the plan. Upon that plan, as a measure purely military, I shall not presume to offer a single observation, but I shall confine the statement which I am about to make, to the facts which appear upon the evidence, and which strike me as material to enable the Court to form an opinion upon the merits or demerits of that plan.

It appears, that General Whitelocke received information from Mr. White, on the 4th, of the nature of the enemy's defence, and that this information was correct in all its parts; that the plan of attack was resolved upon, and given out in orders, without any reconnoisance having been made of the points which the troops were to assault; that Lieutenant-General Whitelocke had not made known, in orders or otherwise, the station he intended to occupy during the attack; that no provision was made for retreat in case of failure; that none of the general officers, except the second in command, concurred in, or gave any opinion whatever upon the plan; that General Whitelocke did not consult Colonel Pack upon the nature and situation of the town, or the plan of attack, before the orders for the attack were issued, although he was the senior officer who had belonged to the expedition under General Beresford, and was fully acquainted with the town, and generally with the environs; that the Admiral was not consulted upon the plan of attack, or had any knowledge of it; that gun-boats might have assisted in the attack; and that, on the morning of the 6th, gun-boats opened a fire upon the town, and continued firing till the truce was signed; that by a movement to the left of the Recollata, a communication might have been opened with the fleet; that there were provisions at the Coral, on the 4th, to last the whole army for four or five days; that a single messenger was dispatched, on the evening of the 3d, to Colonel Mahon, at Reduction, with orders to Colonel Mahon to march, on the 4th, to the bridge, to wait till four o'clock in the evening; and if he received no orders, to return to Reduction; that on the evening of the 4th, and after the time when Colonel Mahon must have marched back to Reduction, if he had received and acted upon the former order, which, in point of fact, never reached him, another order was dispatched to Colonel Mahon, at Reduction, and sent by two countrymen, directing him to march to the bridge; that no reconnoisance was made of the town, or of the bridge over the Chuello; and that, in consequence of the separation of the columns, the army lost the co-operation of 1800 men, under Colonel Mahon: these are the material facts which the Court have in evidence upon that part of the case.

With respect to the latter part of the third charge, namely, the execution of the plan, it appears, that Lieutenant-General Whitelocke ordered the cannon, the signal for the attack, at half past six; that the Plaza de Tauros was taken by Sir Samuel Achmuty, at nine o'clock; and that a communication was opened with the shipping; that from 6 to 700 prisoners were taken, with abundance of ammunition, and above 30 pieces of cannon; that the brigade under Brigadier-General Lumley, had no chance of success after ten o'clock in the morning; that no communication was made to them from head-quarters, and that, about two o'clock, the 36th regiment, part of Brigadier-General Lumley's brigade, and the 5th, forming a part of Sir Samuel Achmuty's brigade, were compelled to retreat, and to join Sir Samuel Achmuty at the Plaza de Tauros; that the 88th regiment, the other parts of Brigadier-General Lumley's brigade, under Lieutenant-Colonel Duff, and Major Vandeleur, and the light brigade, under Brigadier-General Craufurd and Lieutenant-Colonel Pack, were compelled to surrender; that the columns under Sir Samuel Achmuty, Brigadier-General Lumley, Brigadier-General Craufurd, and Lieutenant-Colonel Guard, executed the purport of their orders, but that no communication was made to any of them from head-quarters during the attack; and that the 36th regiment, and the light brigade, were compelled to surrender for want of such further orders, or of support. The defence which General Whitelocke has set up, on this part of the case, the Court has heard so recently, that I shall make very few observations upon it. He imputes the surrender of those columns, to a disobedience of the orders he had given: he states, that when the two divisions of the light brigade had arrived at the river, they turned to the left, instead of following the directions he had given, of inclining to the right. I must entreat the Court to consider a little what the circumstances were, under which those columns found themselves, and most particularly that division of the light brigade which was under Brigadier-General Craufurd. It appears upon the evidence, that it met with no resistance in marching through the town; that he arrived at the Plata without firing a shot; when he arrived there the force of the enemy was all to the left. The Court will see by the plan that the high buildings, which he was directed to occupy, were all to the left; that Colonel Pack's division, which he states to you was then engaged with the enemy, from the firing of musketry he heard, were all to the left. What was any officer to do in that situation? It is true, unquestionably, that had he turned to the right he might have effected his retreat to the Residentia; but would he, as General Whitelocke observes, have effected the purport of his orders, by turning his back upon the enemy, by leaving the buildings he was expressly di-

rected to occupy, and by going to the Residentia, which he was never even informed by or through General Whitelocke, was to be occupied by our troops; nor did he know the fact till he was joined by the division of the 45th, under Lieutenant-Colonel Guard. The Court will see, that the instruction, not to incline to the left must have applied to the not inclining to the left during the march through the town; because if it applied to any thing else, it was utterly inconsistent with the other order, that the high buildings were to be taken possession of by the light brigade. I submit to the consideration of the Court, whether that defence, resting upon the disobedience of orders, is any defence for the order which was given; and the same observation equally applies to the other division of the light brigade under Lieutenant-Colonel Pack; because you will find, if you look to the map, that, in order to comply with the order he had received, of occupying the high buildings, he was compelled to turn to the left; inasmuch as, if I do not mistake the plan, there was no high building to the right; then it will be for the Court to consider, what the officers leading divisions were to do under the orders they had received. It appears, that the officers leading divisions were furnished with directions for their conduct, only to a certain point; from which point, subsequent operations were to be undertaken, with a view to the object of the attack; and, it appears, that no means were taken to ensure the power of communicating further orders; and that no other attempt was made by General Whitelocke, than what will appear hereafter, to communicate any of those orders, upon which, by his own statement, all the further operations were to depend. The Court will likewise consider, what would have been the consequence, if those orders, which have been produced in evidence, had been punctually obeyed. The consequence would have been this, that all the columns of the army would have taken possession of the houses near the Plata, would have formed, as the order states, on the tops of those houses, with the left flank of the right, and the right flank of the left, pointing to, and almost communicating with, the centre of the enemy's force; and there they were to remain, for aught I know, till this time, for no further order was ever communicated to them. So much I thought it necessary to state, with respect to this extraordinary defence, which has been set up by Lieutenant-General Whitelocke; and certainly, if he did think fit to charge those officers of his army, whose evidence the Court have heard, and whose fate, after the gallantry they displayed, every man must join in lamenting, if he does think it is a defence to him, to attribute to those officers disobedience of orders, and the failure of the expedition, I, perhaps, have less reason to be surprised at the sort of charges he has thought fit to throw out against me.

The next point he has stated in his defence, as another imputation against the conduct of that column is, that instead of occupying three houses, only one was occupied. I need hardly observe, that from the evidence which the Court have heard upon that subject, if there was an expectation of receiving further support, and if it was the object, as it is stated by themselves, and as it ought to be, of his officers commanding that column, as long as possible, to avoid a surrender; in order to wait for that support it must have been desirable to concentrate as much as possible that force; and, therefore, that the movement which was made to the church of St. Domingo was the most advantageous movement which could be made for that purpose: instead of occupying three houses, which would only have tended to diminish the force, and probably accelerate the surrender of the column.

The other column, the 45th, under Lieutenant-Colonel Guard, reached the Residentia, and occupied it at seven in the morning: it appears, that if that column had been supported a communication might have been opened with the river, from which it was distant about 250 yards, without the intervention of houses. It appears, by the evidence of Major Nichols, on whom the command of that regiment devolved. As soon as Lieutenant-Colonel Guard made the movement to communicate with Brigadier-General Craufurd, that, if supported, a communication might have been opened, and kept up with Brigadier-General Craufurd; that no material impediments occurred to prevent this support from being given, as appears from the evidence of Major-General Gower, Captain Whittingham, and all the officers who were examined to that point. It was undoubtedly stated by Captain Foster, and I state it to omit nothing which can make in favour of Lieutenant-General Whitelocke's defence, that there were difficulties, in his opinion, in attempting to communicate with the 45th, the right flank of the army, but it was proved by Captain Whittingham, that the next day, when the army of the enemy was more disposable, he was able to effect that movement with 100 infantry, and a few mounted cavalry. It appears, that no support was given, and that no communication was received at the Residentia from General Whitelocke till one o'clock the following day, that the troops were unprovided with the means necessary to insure success, such as scaling-ladders, petards, and proper means for breaking open houses. That the corps under Colonel Mahon passed the Chuello on the 5th, and that no endeavour was made by Lieutenant-General Whitelocke to communicate with them on that day, so far as to the different columns of the army on that day.

I now come to the personal conduct of Lieutenant-General Whitelocke on that day, and I do not know whether it is neces

sary in observing on that conduct, as it applies to the first part of the 2d charge, the defect of personal exertion, to justify myself, and those who were consulted in framing these charges, from the imputation of entertaining the absurd preposterous opinion, that the commander in chief of any expedition is called upon to expose his life to hazard upon all occasions. So far from wishing that any such absurd construction should be put upon this charge, I am ready to admit that the commander who so acts is utterly unfit for his situation, because, by so doing, he commits the safety of his troops, and the success of the enterprise intrusted to him. But I must contend, on the other hand, that there are occasions, and whether this is one of those occasions the Court will judge, where the personal exertion of the commander in chief is not only required, but an indispensable part of his duty. If I wished for authorities I should not have to look far; there are those among the members of this Court whom I am addressing, fortunate enough to have had the opportunity, which all would have availed themselves of, had the same good fortune been the lot of all, of adding to the glory of their country, and their own laurels, by the well-timed display of those qualities, the total absence of which is imputed to the object of these charges; but I will not offend the delicacy of any man by personal allusions, or by citing living and present instances of this truth, I may, however, without offence advert to the example of a noble and distinguished commander, now unfortunately no more, who has been snatched from you and from the world in the course of this proceeding. If ever there was a General who had proved the irresistible effects of personal exertion in command and in action, it was Lord Lake. He has shown, in a variety of instances, how it would insure the confidence and excite the ardour of his troops, how it would overcome all sense of fatigue and inferiority of numbers, how it would inspire them with his own soul, supply every want, and, in spite of all obstacles, command victory. But I must turn from the pleasing but melancholy recollection of his virtues to the conduct of General Whitelocke. It appears that General Whitelocke on the 5th of July remained stationary at the Coral, a place described to be about 600 yards in length, and 550 in breadth, from which nothing but the tops of the houses of the town could be seen from six in the morning till it was dark, with the exception of about half an hour, during which he retired to Mr. White's house, which was about 250 yards in the rear; that the firing of cannon and musketry began almost immediately after the troops marched by his orders into the town, at half past six in the morning; that it continued to be heard at the Coral with more or less violence during the whole day, or, as one witness states, till four o'clock in the evening; that all communication, almost immediately after the commencement of the attack, was cut off between General Whitelocke and the

columns, who by his order marched into the town; that he sent Lieutenant-Colonel Foster into the town to reconnoitre, I believe I am not quite accurate as to the time, but about ten o'clock; that Lieutenant-Colonel Foster met the 6th dragoon guards, and a squadron of the 9th light dragoons, who had been ordered into the town by Lieutenant-General Whitelocke, and which were forced to retreat with loss. That Lieutenant-Colonel Foster reported to Lieutenant-General Whitelocke, about eleven o'clock, that from the tops of some of the highest houses he could distinguish the riflemen firing from the top of a church; that a British flag flew on a building, which he took to be, as it proved to be afterwards, the Residentia, and another flag to the left; that the houses from which Lieutenant-Colonel Foster made those observations were not more than a mile from the Coral; that Lieutenant-General Whitelocke sent Lieutenant-Colonel Foster several times in the course of the day to make this reconnoisance; that later in the day it grew hazy, and he could only distinguish the flag continuing to fly on the Residentia; that Lieutenant-General Whitelocke sent Major Cossley, with only two or three dragoons, to reconnoitre on the left, who returned without success; that about two o'clock he sent Captain Whittingham, with an escort of ten mounted dragoons and thirty infantry; that about four o'clock Captain Whittingham returned with no other escort than the ten mounted dragoons, having left the infantry at the Plaza de Tauros; that he reported the situation of Sir Samuel Achmuty, and Sir Samuel's advice that General Whitelocke should remove his head-quarters to the Plaza; but that he could maintain his post, and desired the General not to hurry himself; that when it was nearly dark General Whitelocke left the Coral, and went to Mr. White's house, where he passed the night; that when he left the Coral, he was in ignorance of the fate of the light brigade; that he made no personal attempt to communicate with or support the different columns of his army, or any other attempts of any other kind than those already mentioned, excepting the giving other orders of a similar nature to different officers of his staff to reconnoitre, and let him know what was going on. That he might have changed his station with advantage about the middle of the day; this is proved by the evidence of Major-General Gower, Lieutenant-Colonel Bourke, and the Adjutant-General. That the whole of the reserve, under Lieutenant-General Whitelocke, including those employed in guarding the hospital and prisoners, and including the 6th dragoon guards, and the 9th light dragoons, were about 1100 men, on the morning of the 5th; that after the casualties which occurred to the 6th dragoon guards, and the squadron of the 9th light dragoons, the amount of the numbers were 1050 men.

On the 6th, it appears that General Whitelocke sent an Aid-de-Camp to communicate with the Residentia and with Colonel Mahon. That he received that morning a letter from General Liniers, containing proposals for a treaty. That General Whitelocke sent an immediate answer, refusing the terms, but proposing a cessation of hostilities; that he set out for the Plaza de Tauros about twelve o'clock, and arrived about one. That on the evening of the 6th, Lieutenant-General Whitelocke sent Major-General Gower into the town, to confer with General Liniers, when some discussions took place, which were duly reported to Lieutenant-General Whitelocke. That on the 7th the Admiral came on shore, and then a treaty for the surrender of the Residentia, the Plaza de Tauros, and Monte Video, was concluded.

Before I make any observation on the subject of the fourth charge, I must advert to two objections by Lieutenant-General Whitelocke; one of which, if well founded, goes the length of establishing, that he is not amenable to this Court at all, inasmuch as he states that treaty to have been made in pursuance of civil, and not of military instructions. With respect to that point, to enable the Court to judge of the grounds on which this objection rests, I will read what the general instructions are, as far as they appear to relate to this point.

"Sir,—It having been thought advisable, that an officer of "high rank, as well as of approved talents and judgement, "should be sent to take the command of such of his Majesty's "forces as are at this time employed in the southern provinces "of South America, I am to inform you, that his Majesty has "been graciously pleased to make choice of you for that pur-"pose; and that you are to repair forthwith, in a vessel al-"ready provided for your conveyance, to the mouth of the "river Plata, there to take upon you the said command." These instructions then proceed to give him orders, both with respect to the reduction of Buenos Ayres, and the alterations he is to make in the government of the country; and with respect to the commercial regulation he is to establish in the countries reduced to subjection. So that it clearly appears, that, under these general instructions, he was empowered to act both in a civil and military character. Supposing the question of his authorities stood upon these instructions alone, the Court must judge, whether the act done was in pursuance of an authority of a civil or a military nature; or, whether he is invested with other powers than those which every officer must of necessity possess, even if not expressed, who proceeds upon a conquest, namely, of conducting the civil government of that conquest, if he succeeds in his enterprise, till his Majesty's pleasure is made known. Supposing that to be the case, I would wish the Court to hear what the civil instructions are, in

order that they may judge whether any other power whatever is given to Lieutenant-General Whitelocke, under those instructions called civil, than those which he already possessed under the general instructions I have been reading. The civil instructions are these:

"Sir,—In addition to your general instructions of the 5th "instant, I am now to signify to you his Majesty's pleasure, "that, in the event of his Majesty's authority being established "in the southern provinces of South America, you shall assume "and exercise, until his Majesty's further commands shall be "made known to you, the civil government of those terri-"tories; taking for your guidance and direction, the instruc-"tions that have already been conveyed to you on that head. "And I am further commanded to notify to you his Majesty's "gracious directions, that you are to receive for your salary "and allowances, in that capacity, the sum of 4000l. sterling "per annum, in addition to your military appointments; which "sum you are hereby authorized to pay yourself, out of "any revenues which may be collected on account of his Ma-"jesty, in the provinces above alluded to; or, should such re-"venues prove inadequate to the purpose, to draw upon his "Majesty's treasury for the amount of the deficiency." These papers are before the Court. I protest I cannot discover any new powers whatever, which those civil instructions invest General Whitelocke with, except the power of receiving 4000l. a year for salary. All the other powers he had before, under the general instructions, to which these civil instructions refer; which general instructions contained the powers on which he was to act; and, in consequence of which power, it is that he concluded the treaty which is now the subject of your consideration.

With respect to the other objection, taken by General Whitelocke, that an officer must be personally present in a fortress, in order to come within the construction of the clause under which this charge is framed, I have little more to observe, than that the clause in question, as the Court well know, is penned by military men; it is intended, exclusively, for military men; no other but military men are subjected to its provisions: and for this reason I am not at all qualified to give an opinion upon the point. It is entirely for the Court. I cannot, undoubtedly, discover any reason, in principle, why (supposing the fact to be clear, that an officer has, without sufficient reason, given up to the enemy a post, of which he had the charge, and which he was intrusted to defend), it should make any difference whether he was or was not personally present in that post. Supposing, for instance, the Commander of Gibraltar to march out of the lines of that fortress; and, when without the lines, to make a treaty, surrendering the place, is

it to be contended, that his being out of the lines exempts him from that clause? whereas, if he was within the lines, the case would come within the act. If there is no difference in the principle, is there any thing in the words of this clause which tends to exclude one case or to include the other? The word upon which I conclude the argument which has been brought forward by Lieutenant-General Whitelocke, if he means to draw any inference from the wording of the clause, must be "abandon." It must be intended to contend, that the word abandon implies, that the officer, to whom the charge of abandonment is imputed, must be personally present in the place. Whether abandonment signifies any thing else than giving up, and whether, if it only signifies giving up, an officer not present does not equally give up the post as if he were present, is for the Court to judge. I state these observations as those which occur to me upon the subject, rather as the reason for the charge being brought forward in the way it is, than as any decided opinion of my own. If the Court should think that the situation General Whitelocke had does not exempt him from the operation of the clause, it will then be for the Court to consider what the evidence is upon which this charge has been supported; and I feel, in that respect, I own, more difficulty than I have done in any part of this proceeding, because I am called upon to controvert the opinion of two gallant officers of high rank in the service, who have given opinions favourable to this treaty. One of these has stated to you distinctly the grounds upon which that treaty was made; I mean Sir Samuel Achmuty: and I select him, because he went more at length into the reasons which led him to approve the treaty than Major-General Gower, who likewise approved it, under the circumstances in which the army was placed. The reasons given are these; and I am the more anxious to state them correctly, because this part of the charge Lieutenant-General Whitelocke passed over slightly, relying on the opinions of Sir Samuel Achmuty and Major-General Gower, which corresponded with his own. The arguments are these: that the light infantry and riflemen were prisoners, and half the troops engaged killed, wounded, or captured. The remainder fatigued, without confidence, and exposed at the most inclement season of the year, without blankets, great coats, or a change of necessaries. The Court know that the remainder of the army amounted, as proved by the returns, to 7400 men. There appears to be no reason why they should be without cover. There was cover at the Coral; there was cover at the Plaza: there was cover at the Residentia, if the generals thought proper, as have I no doubt they would have done, to secure them cover, excepting, of course, the piquets, who must have been exposed. It is stated that the

troops were fatigued: the Court will recollect, how these troops were disposed of; there was a large force at the Plaza, consisting of part of General Lumley's brigade, and Sir Samuel Achmuty's brigade, and that part of the reserve which Lieutenant-General Whitelocke carried with him from the Coral to the Tauros. The remainder of the reserve appear to have had very little action. There was the 45th at the Residentia, who had never moved since seven on the morning of the 5th, when they took possession of the Residentia; and there was Colonel Mahon's corps of 1800 men, who had only marched the distance from Reduction to the Coral between the 2d of July and the 6th, that is about 14 miles, when this treaty was decided upon. It does not appear, therefore, that there was any very good gronnd for the opinion that the troops had incurred any great fatigue on the 6th; but it is stated, that the troops wanted confidence; and General Whitelocke, in his defence, has thought proper to insinuate, though not directly to assert, I think, that that want of confidence was to be referred to what had passed on the 2d of July; but, when the Court advert to the evidence given by Sir Samuel Achmuty, they will judge whether the want of confidence Sir Samuel Achmuty stated, was not distinctly stated by him to be want of confidence in the general of the army, and expressed in terms, which he was unwilling to repeat, by the troops under him at the Tauros. How far that can be stated by Lieutenant-General Whitelocke, the want of confidence in himself, as the reason why he should be exempted from the operation of this clause, it will be for the Court to consider. Sir Samuel Achmuty proceeds to state, that the scattered state of the troops was a reason for his approving of the treaty; that Colonel Mahon might be attacked by the whole force of the enemy; that there was a difficulty in procuring ordnance, stores, and provisions from the fleet. The loss there was every probability the army would sustain, if hostilities were recommenced. The difficulty of either burning or destroying the town with our artillery. The houses built with high terraced roofs, the bricks so soft that the shot would penetrate without shaking. The difficulty of effecting a retreat, having 2000 of our best troops in the possession of the enemy, and the danger which might have occurred even in the capture of the place; our number being totally inadequate. With respect to the disposition of the troops, the Court will recollect that each flank of the town was in our possession; the 45th at the Residentia, and the troops I have already mentioned in the Plaza, and that the corps under Colonel Mahon, with the remainder of the reserved corps, had possession of the rear. The Court must judge whether they could have been placed in a better position for the renewal of hostilities. With respect to the effect of batteries, this evidence is contradicted by those

whose peculiar duty it is to judge of the effect of artillery. It is in evidence from Captain Squire and Captain Fraser not only that above 30 pieces of cannon had been taken at the Plaza, with 600 barrels of gunpowder; but that Captain Fraser reported to Lieutenant-General Whitelocke, on the evening of the 6th, that he would pledge himself to have 30 pieces of cannon ready to play upon the town on the following morning; and the Admiral stated that the ordnance might have been landed, and that he had, when the truce was signed, the heavy artillery in the boats. As to the supposing of heavy loss, the Court will judge of it, and whether with the means of commencing a heavy fire upon the town from the Plaza del Tauros, and from the gun-boats, there was not ground for apprehending that much serious loss would have been incurred. You will find also, that Brigadier-General Craufurd and Colonel Pack concur in opinion, that the effect of batteries might have been tried with advantage from the Plaza; and it is stated by all the evidence, that this was an open populous city, defended chiefly by the armed population. It is for the Court to judge, whether under these circumstances General Whitelocke was justified in making no attempt with the means he had in his power, and in acceding to this capitulation. With respect to any discretion vested in him by his instructions, I do not think he has dwelt much upon it, and indeed, it is clear, from reading these instructions, that unless they are supposed to be contradictory to each other, the abandonment of Monte Video cannot be defended, except in a case of necessity; for, after stating particular circumstances which might arise, and make it necessary to abandon Monte Video, and dismantle the place, circumstances certainly applying to the expedition, having obtained possession of a great portion of the country, what are the words "But two cases remain to be provided for, which, "however unlikely, must not be wholly passed over: one, "namely, that of your finding, on your arrival, that the places "hitherto occupied by his Majesty's troops, are no longer in "their possession; the other, that of its becoming necessary, "at any subsequent period, to abandon whatever had been be- "fore possessed, and to withdraw the whole of the British force "from that country." It is, therefore, perfectly clear that there was no discretion upon the subject of abandoning Monte Video, when, by that abandonment, every thing we had on the banks of the Plata was to be given up, unless in the case of necessity. Whether that case of necessity had arrived, which could justify the abandonment of all that we possess on the Plata, the Court will have to consider upon the evidence.

But there is another part of General Whitelocke's defence upon this subject of the Treaty which I cannot pass over in silence; I mean the strong stress which he has laid, both in his

public and private dispatch, and since in his defence, upon the danger that existed to the safety of the prisoners, if hostilities had recommenced. I will not now call in question, whether there was real ground or not, to believe that that danger existed: I will admit that he thought it did. But, is it to be understood for the future, as an axiom in war, that because danger is stated perhaps truly to exist, such a threat from the enemy is to be submitted to by the general to whom it is addressed. Look to the consequences. The menace which has prevailed in one case will then be repeated in another, in hope of similar success. If the menace does not answer its object, may it not too probably be thought that the realizing that threat may be more effectual, and that the same feelings which have yielded to the threat in the one instance, will not stand against the execution of it in another? See what an encouragement to cruelty! What a temptation to experiments in blood! I do not charge General Whitelocke with being at all aware of the mischiefs of the doctrine his example was sanctioning. I admit that he was actuated by the humane motives he states, but I must contend that it was a false and short-sighted motive of humanity, which, like all other false and mistaken principles, defeats the object it meant to uphold. The safety of the prisoners is secured by the acknowleged laws of war, and by the mutual interest of the belligerent powers; but if once a dereliction of those laws and interests is to be admitted, as in this instance, and to be crowned with success, the principles themselves are subverted, and the best guarantee for the safety of the prisoners is destroyed. Instead of tamely acquiescing in this menace of General Liniers, the Spanish General should have been told that until that intimation was retracted, the door to negociation was closed; that if a hair of the head of any one British prisoner was touched, the Spanish General, his army, and the inhabitants should answer it with their lives. He should have been told, that if he had not authority to prevent such atrocity, and to secure the observance of the most sacred rights of war, it was he who ought to surrender; that, if he maintained his post under such disgraceful circumstances, he was no longer to be treated with as a general, but to be dealt with as a leader of banditti. Those are the sentiments which such an intimation should have called forth; they are grounded not more on genuine feeling than in sound policy; for never, I believe, did nature say one thing, and wisdom say another. But such a reply as this should have been accompanied by correspondent action, and you will consider, whether the means we had still in our power, if properly applied, would not only have secured the safety of the prisoners, but would have prevented this disgraceful capitulation; or whether the experiment should not have been made, which, it appears, was not even attempted.

Whatever may be your opinion of the innocence or guilt of General Whitelocke; whatever you may think of the other reason given by him or others, for acceding to the treaty, I trust there is but one opinion upon this part of the defence. I feel it my duty to protest against this new doctrine in the laws and practice of war. The refutation of it is more important for the interests of the army, and for the cause of humanity, than any thing which may result from this inquiry in other respects, or than any other consequences of this most unfortunate expedition. If you should be of opinion, that there are grounds upon which it must be taken, all or any of the grounds on which General Whitelocke has rested his defence, upon the 4th charge, are well founded, or that is not within the fair construction of this clause, it will then be for you to consider to what cause it has been owing, and by what means this gallant army, deserving of a better fate, was reduced to such a humiliating situation, as to be obliged to purchase its own safety, and the ransom of the prisoners, at the expense of such a sacrifice of national honour and advantages. The evidence is all before you, and I am sure that justice will have nothing to fear from your decision.

I am desired by General Whitelocke to read this part of the defence.

[The Judge Advocate read an extract from the defence, beginning, "I do not complain, because I do not feel that I have "a right to do so in such a case," ending, "Charges finally "settled."

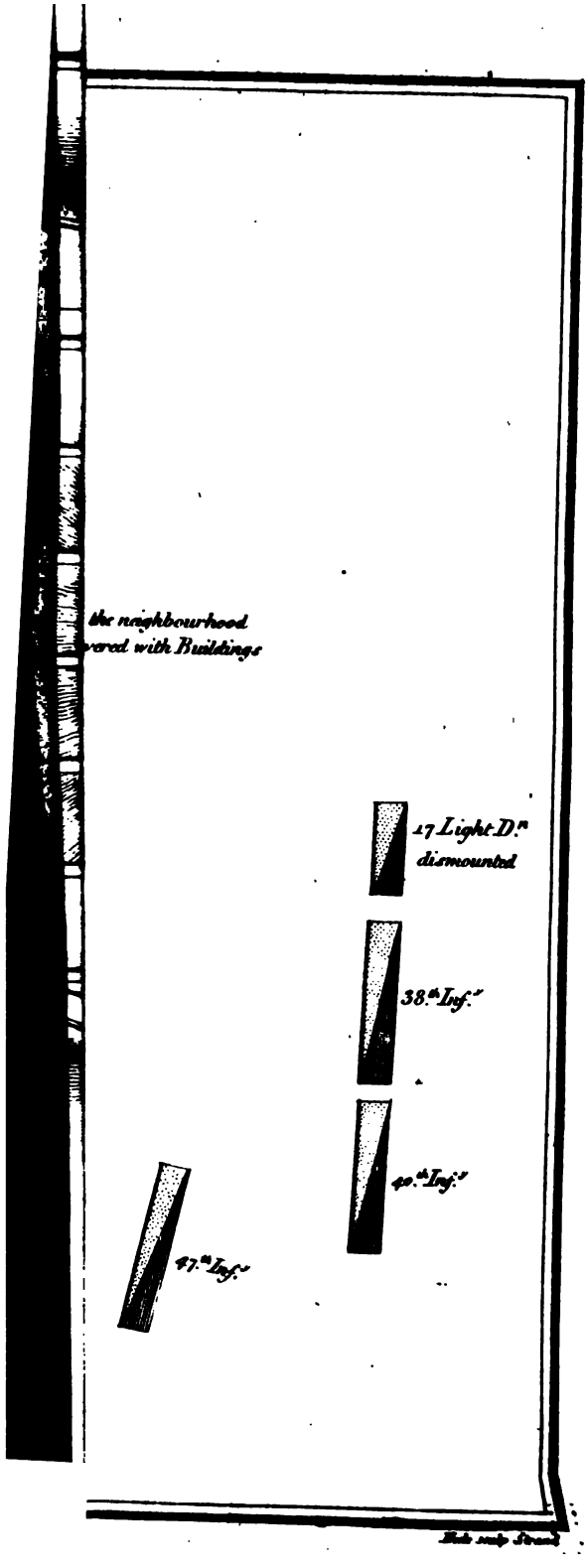
*General Whitelocke.*—That is all to which I referred.

*Judge Advocate.*—Then I must beg to read on for my own justification.

[The Judge Advocate read a further extract, ending, "not "of myself only, but of others."]

*Judge Advocate.*—I have this paper put into my hands by General Whitelocke, which I will read:

"Lieutenant-General Whitelocke had no knowledge of the "foundation of the previous examination of the Judge Advo- "cate; and hearing only that the greater part of his staff had "been summoned and examined, could not but feel, that it "was an unusual proceeding; he now entreats permission to "state, that he feels both the motives and the conduct of the "Judge Advocate, in this respect, to have been candid, and "liberal, and honourable, and one for which he owes him "thanks. Lieutenant-General Whitelocke begs, that the ob- "servations made by him upon this subject, may be attributed "to a want of knowledge of the motives of the conduct pursued, "and to the feelings which he has described in his defence."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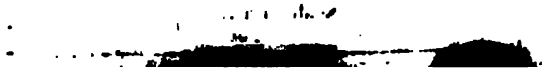


# APPENDIX.

## No. 1.

Copy of Lieutenant-General WHITELOCKE's Commission, as Commander of the Forces serving in South America.

GEORGE R.

GEORGE the Third, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith; to our trusty and well-beloved John Whitelocke, Esquire, Lieutenant-General of our Forces, greeting, We, reposing especial trust in your prudence, courage, and loyalty, do, by these presents, constitute and appoint you to be Commander of all and singular our Land Forces serving in the Southern parts of South America, during our pleasure. You are, therefore, carefully and diligently to discharge the said trust, of Commander of our Forces, by doing and performing all and all manner of things thereunto belonging. And, We do hereby command all our officers and soldiers, who are or who shall be employed in our Land Service in the Southern parts of South America, to acknowledge and obey you as Commander of our Forces aforesaid. And you are to observe and follow such orders and directions, from time to time, as you shall receive from Us, or from the Commander in Chief of our Forces in our United Kingdom of Great Britain and Ireland, for the time being, according to the rules and discipline of war, in pursuance of the trust We hereby repose in you.

Given at our Court at Saint James's, the 24th day of February, 1807, in the forty-seventh year of our reign.

By his Majesty's Command,

(Countersigned) W. WINDHAM.

Lieutenant-General Whitelocke,
Commander of the Forces
serving in South America.

## No. 2.

### Civil Appointment.

Downing-street, March 6, 1807.

SIR,

In addition to your general instructions of the 5th instant, I am now to signify to you his Majesty's pleasure, in the event of his Majesty's authority being established in the southern provinces of South America, you should assume and exercise, until his Majesty's further commands shall be made known to you, the civil government of those territories, taking for your guidance and direction the instructions that have already been conveyed to you on that head.

And I am further commanded to notify to you his Majesty's gracious directions, that you are to receive for your salary and allowances in that capacity the sum of 4000l. sterling per annum, in addition to your military appointments, which sum you are hereby authorized to pay yourself out of any revenues which may be collected on account of his Majesty in the provinces above alluded to; or should such revenues prove inadequate to the purpose, to draw upon the lords of his Majesty's treasury for the amount of the deficiency.

I have the honour to be, Sir,

Your most obedient humble servant,

W. WINDHAM

## No. 3.

Copy.—Military Instructions to Lieutenant-General Whitelocke, from His Royal Highness the Commander in Chief

Horse-guards, Feb. 25, 1807.

SIR,

His Majesty having been graciously pleased to appoint you to the command of his forces employed in the reduction of the Spanish settlements at Buenos Ayres, I have to desire that you may be pleased to proceed with as little delay as possible, to your destination, and use your best endeavours to carry into effect such instructions as you may be furnished with by his Majesty's Ministers.

The force which his Majesty has been pleased to place under your immediate command consists as follows: viz

| | | | Rank & File. |
|---|---|---|---|
| 1st battalion, | 89th regiment | Embarked at Portsmouth, and to proceed with you to your destination. | 753 |
| 1st ditto, | 38th ditto | | 811 |
| 1st ditto, | 47th ditto | | 685 |
| 1st ditto, | 40th ditto | | 1000 |
| 1st ditto, | 87th ditto | | 801 |
| Detachment | 54th ditto | | 103 |
| 3 companies | 95th ditto | | 230 |
| | 17th light dragoons | | 628 |
| | 9th ditto | | 632 |
| Detachments | 20th ditto | | 191 |
| | 21st ditto | | 140 |
| | | | 5974 |

The whole of the above forces is supposed to be at this moment in the river Plate.

The staff which his Majesty has been pleased to appoint to this force is composed of the under-mentioned officers: viz.

| | |
|---|---|
| Major-General L. Gower . . . . | who will proceed from hence in the same convoy with yourself. |
| Brigadier-General Ackland . . . | ditto. |
| Brigadier-General Sir S. Achmuty | now with the force in the river Plate. |
| Brigadier-General Lumley . . . | ditto. |
| 1 Deputy-Adjutant-General . . | Brevet Lieutenant-Colonel Bradford. |
| 1 Dep.-Quarter-Master-General | Brevet Lieutenant-Colonel Bourke. |
| 2 Assistant-Adjutants-General. | Captain Blake, 15th Foot. |
| 2 Assist. Quarter-Masters-General | Captain Patrick, 57th Foot. |
| 1 Deputy-Paymaster General . | Mr. Badcock. |
| 1 Deputy-Commissary of Accompts | Mr. Bisset. |
| 1 Deputy-Commissary of Provisions and Stores . . . . . | Mr. Coueh. |

Hospital Staff.

| | |
|---|---|
| Dr. Gordon . . . . . | Inspector of Hospitals. |
| G. R. Redmond . . . . . | Deputy-Inspector of Hospitals. |
| Dr. C. Tice . . . . . | Physician of the Forces. |
| J. Kidd, and T. Bery . . . . . | Surgeons to the Forces. |
| J. C. Price . . . . . | Apothecary to the Forces. |
| W. James . . . . . | Deputy-Purveyor. |

J. Dove
J. Paterson
J. White
J. Luby
. . . . . Hospital Mates.

Your own personal staff consists, as usual, of

1 Military Secretary.
2 Aides-de-Camp.

You will transmit monthly returns of the troops under your command to the Secretary at War, and to the Adjutant-General, for my information; and you will strictly adhere to his Majesty's regulations in regard to the pay, clothing, and appointment of the troops. And your special attention must necessarily be directed to their discipline, and to the interior economy of the different corps, which is so essential, not only to the comfort of the soldier, but to the preservation of his health, under every change of climate to which he may be exposed.

Under the head of pay, I have to direct your attention to the instructions of the Paymasters-General to their Deputy, respecting the usual stoppages being deducted from the pay of the several Staff Officers, and to which you are required to give the most punctual attention.

On all subjects relating to your command you will be pleased to correspond with me; and you will regularly communicate to me all military transactions in which you may be engaged, reporting to me all vacancies that may occur in the troops under your command: and, as his Majesty has not thought proper to confer upon you the power of appointing to commissions, you will be pleased to recommend to me such officers as may appear to you most deserving of promotion, stating the special reasons, where such recommendations are not in the usual channel of seniority.

As all the regiments under your command have second battalions attached to them, and which remain in this country, it is necessary that I should acquaint you, that the first battalions under your orders being composed exclusively of the senior officers of their respective ranks, such vacancies as may occur therein by promotion, or casualty, must unavoidably be supplied by officers from the second battalions, who will be ordered immediately to join on such vacancies being made known to me.

You will be vested with the usual powers of convening General Courts Martial, under such restrictions as it may be thought proper to determine upon. Upon this subject I have to observe, that as great inconvenience has arisen to the service from officers commanding on several foreign stations having permitted prisoners to return to Europe prior to the proceedings and opinion of the court martial having been submitted to the King, I have to desire, that in all cases, where

any person whatever may be tried by a general court martial, and where your powers are not sufficient to enable you to decide finally upon the proceedings, opinion, and sentence of the court, that you do not permit the prisoner to return to Europe, till his Majesty's commands shall have been duly communicated to you through the proper channel for that purpose.

Should you have occasion to recommend any gentleman for an Ensigncy, you will be pleased to make known his address, in order that, if his Majesty should be pleased to confirm the recommendation, he may be directed to join the corps immediately on his appointment.

In all cases where doubts may arise, and any opportunity offer by which you may be desirous to obtain further and more special instructions, you will always find me ready to attend to, and give effect to your representations.

I am, &c.

(Signed) FREDERICK,
Commander in Chief.

## Additional Instructions to Lieutenant-General WHITELOCKE.

Horse-guards, Feb. 26, 1807.

As it is probable that, from the instructions with which you have been furnished by his Majesty's Ministers, you may find it expedient to raise a colonial force, I have to desire that the same may be conducted upon the same principles as are observed in the establishment of the colonial corps in the other of his Majesty's possessions; viz.

The regiments to consist of as high an establishment as possible, not to exceed 1000 men: the higher the establishment, and effectives, the more economical to the public.

The officers to be composed of one third of each rank, British, the Colonel also to be British.

In the nomination of these British officers, you will, of course, be governed by an attention to the merits of those under your command; observing, however, that their appointments can only be provisional until his Majesty's pleasure shall be known, and duly communicated to you.

I must here observe to you, that as great inconvenience has been found, by General Officers having taken upon themselves (no doubt from a mistaken view to the benefit of the service) to appoint officers to serve in a rank greater than that to which they are entitled by his Majesty's commission, and particularly to the rank of Brigadier-General;

I have to desire, that in such possible cases as it may be

necessary for you to appoint an officer of the rank of Colonel to the command of a brigade, that such officer should not, on any account whatever, be permitted to assume any higher rank than what his Majesty's commission confers upon him, nor receive any higher emoluments than what such commission entitles him to.

I have also to desire, that in cases where you may find it necessary to permit an officer to return to Europe for the purpose of obtaining his Majesty's consent to the disposal of his commission, that you take care to acquaint him, that no money for the purchase of such commission can be paid until after his Majesty's approbation shall have been duly obtained by me, when the regulated price will be paid to him by his successor in the manner pointed out by his Majesty's regulation; and he will be entitled to receive his subsistence up to the day on which his Majesty is pleased to receive his resignation.

I have further to communicate to you, that in the event of a junction with you of the corps under Brigadier-General Craufurd, whose force and staff is named in the margin *; the staff will, of course, cease to act in their respective staff situations, until that corps shall be again employed on a separate service, the staff named in your instructions being that which his Majesty has specially appointed for the whole force under your command.

On the subject of courts martial, I have to acquaint you, that as many General Officers, from the best motives, have taken upon themselves to commute sentences of capital punishments, to transportation for a term of years, or for life,

* 6th dragoon guards - - - - - - - - 294
Royal Artillery - - - - - - - - 242
5th foot, 1st brigade - - - - - - - 956
36th ditto, ditto - - - - - - - - 848
45th ditto, ditto - - - - - - - - 873
88th ditto, ditto - - - - - - - - 806
95th ditto, 5 companies - - - - - - - 372

4391

Brevet Lieutenant-Colonel Stewart, 7th drs. Deputy-Adjutant-General.
Captain Whittingham, 13th ditto - - - - Assistant ditto.
Brevet Lieutenant-Colonel Holland - - - Deputy-Quarter-Master-General.
Captain Waye, 5th foot, Captain Dickson - - - - - - - - Assistant-Quarter-Masters-General.

Medical Staff.

1 Deputy-Inspector - - - - - - - - - A. Thompson.
1 Physician - - - - - - - - - - - J. King.
2 Staff Surgeons - - - - - - - - - E. Crump. E. Montague.
1 Apothecary - - - - - - - - - - J. Burrell.
1 Deputy-Surveyor - - - - - - - - - Mr. Emerson.
8 Hospital Mates

when it is found that no such power is delegated by his Majesty, and, consequently, that the whole of the proceedings may be thereby rendered nugatory;

I have, therefore, to call your particular attention to the powers granted by his Majesty's warrant on this subject, in order to prevent you from inadvertently falling into the irregularity above-mentioned.

(Signed) FREDERICK,
Commander in Chief.

Lieutenant-General Whitelocke,
Commander of the Forces
serving in South America.

## No. 4.

Copy of a Letter from Mr. Secretary WINDHAM to Lieutenant-General WHITELOCKE, March 5, 1807.—Instructions.

Downing-street, March 5, 1807.

SIR,

IT having been thought advisable that an officer of high rank, as well as of approved talents and judgement, should be sent to take the command of such of his Majesty's forces as are at this time employed, or likely soon to be employed, in the southern provinces of South America, I am to inform you, that his Majesty has been graciously pleased to make choice of you for that purpose; and that you are to repair forthwith, in a vessel already provided for your conveyance, to the mouth of the river Plata, there to take upon you the said command.

The forces which you are likely to find at your arrival, are those sent from the Cape, under the command of Lieutenant-Colonel Backhouse, and those which sailed from this country, under the command of Brigadier-General Sir Samuel Achmuty; consisting of the corps named in the margin*, and amounting, in the whole, to 5338 men. But to these will probably be

| | |
|---|---|
| * 9th dragoons | 632 |
| 17th ditto | 628 |
| 20th detachment | 191 |
| 21st ditto | 140 |
| Royal Artillery | 117 |
| 38th foot | 811 |
| 40th ditto | 1000 |
| 47th ditto | 685 |
| 54th detachment | 103 |
| 87th ditto | 801 |
| 95th ditto, 3 companies | 230 |
| | 5338 |

added, either by the time of your arrival, or not long afterwards, the force under the command of Brigadier-General Craufurd; consisting of the corps named in like manner in the margin *, and amounting to 4212 men.

That you may judge with greater certainty of the reliance to be placed on the probable junction of this latter force, as well as of that of the 9th regiment of dragoons mentioned above, and the destination of which may have been changed by the vessel sent from Admiral Murray, I enclose you an account of all intelligence received, and all orders issued, having relation to this subject; by which it will appear, that hardly a doubt can be now entertained of the arrival of the Fly before General Craufurd shall have left the Cape; and that he will, in consequence, in conjunction with Admiral Murray, have directed his course to the Plata.

As it is possible, however, that this may not have happened, both cases must be provided for; either of the junction of the armament under General Craufurd, or of its having pursued its original destination. In the former of these cases, as your force, it is conceived, will then be more than sufficient for any purposes that you can have in view, you will detach, at the very earliest moment in which you shall judge it safe to do so, the 89th, and any other regiment which you may think yourself strong enough to spare, after your first operations, to proceed, under a proper convoy, to the Cape, and from thence to India.

With the force above stated, you will proceed to execute the service intrusted to you, by the reduction of the province of Buenos Ayres under the authority of his Majesty.

In the other far less probable case, of the armament under General Craufurd having pursued its original course, it must probably, in the end, be thought proper, after waiting as long as to the Admiral and you shall have appeared advisable, to detach a vessel round Cape Horn, to convey your order to General Craufurd; which orders may either direct him to prosecute his enterprise as at present planned, or to renounce such enterprise altogether. Complete discretion is left to you and to the naval commanding officers in that respect; except only that you are not to extend the limits of his operation beyond the point to which they are now confined; and that in all cases

* 6th dragoon guards - - - - - - 299
Royal Artillery - - - - - - 243
5th foot - - - - - - 836
36th ditto - - - - - - 822
45th ditto - - - - - - 850
88th ditto - - - - - - 798
95th ditto, 5 companies - - - - 364

4212

where the co-operation of any part of his Majesty's naval forces may be requisite, no step is to be taken, or order given to General Craufurd, but in concurrence with the naval commanding officer, as well at the Plata as with General Craufurd.

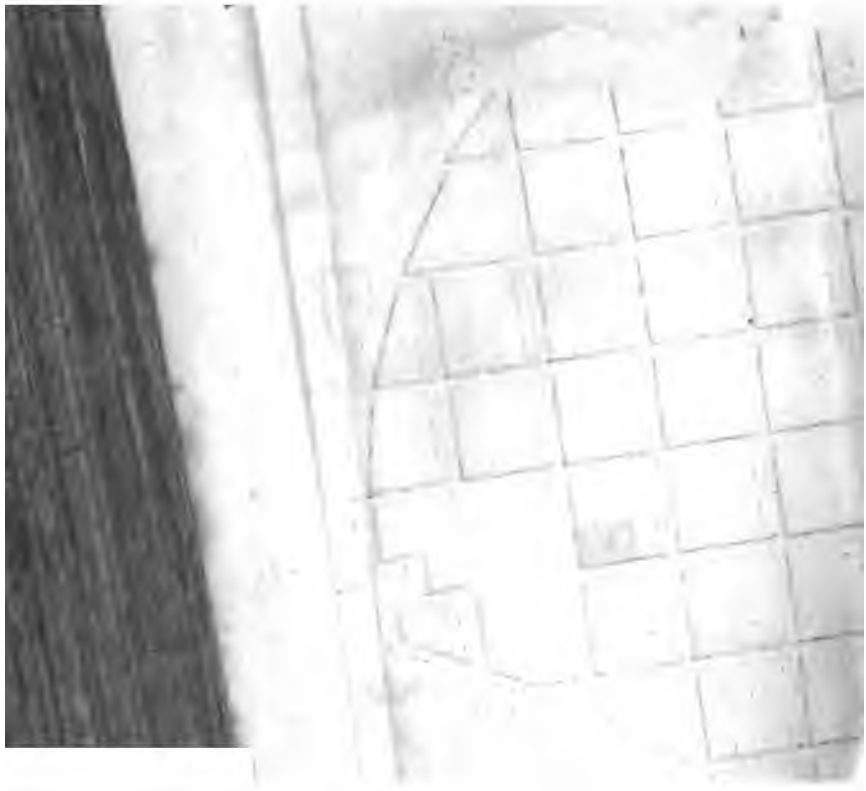
In whatever is done, whether in respect of instructions to General Craufurd, should he have pursued his original destination without touching at Buenos Ayres, or of the application of the force which you will find immediately on the spot, you will consider as the object of your enterprise, not the annoyance or distress of the enemy, but the occupation of such particular stations or portions of territory as, being once subjected to his Majesty's arms, would not be easily recoverable; and would moreover not require for the preservation of them, a body of troops more considerable than it may be conceived this country would be willing to spare; and which number certainly ought not to exceed that now placed under your command.

It is presumed, that with a force far less than may be eventually assembled, supposing Brigadier-General Craufurd to join you, and which, independent of the force which you now take with you, would amount to more than 9000 men, possession might be obtained without difficulty of the whole of the province of Buenos Ayres; but it would still remain to be considered, what numbers would be sufficient to retain the same against the attempts which the enemy might make to recover it, and the forces which he might collect for that purpose.

In whatever part his Majesty's authority shall be established, the greatest care must be taken, and the most earnest endeavours used, to conciliate the good-will of the inhabitants, by abstaining from every thing which can shock their religious opinions or prejudices; by respecting their persons and property; by a removal of those restrictions and impositions of which they most complain; and by making them feel in general the beneficial influence of his Majesty's government, as compared with that under which they were before placed.

In respect to commercial regulations, you will have as a rule the orders settled by his Majesty in Council (copies of which are herewith enclosed), for regulating the trade of Buenos Ayres, and which you will extend, as far as circumstances will admit, to other places or territories which may come into his Majesty's possession.

In the case of any of those regulations, such as may affect, in any degree, the government and constitution of the country, the principle to be observed must be to abstain, as much as possible, from every thing that can infringe upon the rights and privileges, or even established usages, of any class of inhabitants; and not to introduce into the government any other change than that which must necessarily arise from the sub-



stitution of his Majesty's authority for that of the king of Spain.

Individuals it may be necessary to change; and, in so doing, a preference should, as much as possible, be given to the native inhabitants over persons born in Old Spain.

All those who were principally instrumental in promoting or executing the insurrection against General Beresford, should be carefully removed, and either sent to Europe, or placed in some situation where their machinations may be no longer dangerous.

The case of General Beresford and his army must, in another view, become an object of your attention, and seems indeed to be one which calls alike on the national honour; on the feelings which actuate his Majesty's mind in what regards the welfare of his troops; and on the justice due from the country to all those whom it employs in its service.

It may not be clearly ascertained at this moment to what extent the capitulation made with these troops has been violated, nor what, in consequence, is the precise demand proper to be made in their favour; but whatever shall be due to them, either in virtue of any special engagements, or of the general usages established between nations with respect to prisoners of war, must be enforced to the utmost; nor must any means, which the force of arms may place at your disposal, be left unemployed, till complete justice shall be obtained in their behalf. The service intrusted to your care, however successful in other respects, must be considered as incomplete, while any doubt shall remain as to the restoration of those troops at the proper period, or of their being protected in the meantime against every species of violence and ill treatment.

Though his Majesty has been pleased to direct, that the additional force named in the margin * shall be immediately sent out, with a view to operations which may be found advisable, but which, without such aid, and in the possible case of General Craufurd not joining you, you may not be able to undertake, yet it is not his Majesty's pleasure that the whole of the force liable, even eventually, to be assembled under your command, should be suffered to remain, but so much only as shall be necessary to secure those positions or territories of which, upon the final result of those operations, you shall have been able to obtain possession.

It is not supposed that the numbers necessary for this purpose can in any case exceed 8000 men, in addition to such

* 1 Troop of horse-artillery, dismounted, with harness and appointments 130
88th foot - - - - - - - - 1000
Recruits - - - - - - - - 500
1630

troops as you may be able to raise in the country; more, therefore, than these, except in very special circumstances, such as you will be expected fully and satisfactorily to explain to his Majesty's government, you will not consider yourself authorized to retain.

Should the circumstances be such as to confine your operations to the occupation of Monte Video or Maldonado, or some other point on the coast, which from the facility of defending it, and the protection which it may afford to merchant or other vessels, you may think it right to retain, it is presumed that a force far less than the one named, that is to say, than 8000 men, will be abundantly sufficient; and in that case, as in every other, you will send whatever surplus shall remain, by the first commodious and proper opportunity, to England.

Should the reduction of Monte Video, as mentioned above, make part of your plan of operations, and should you succeed in the attempt, you will not consider yourself as bound by these instructions permanently to keep possession of that fortress, but may withdraw the garrison, and destroy the works, should that course appear to you most advisable.

In all that relates to the management of the revenues of any province or district of which you may be in possession, you will take as your guide the instructions upon that subject to Brigadier-General Craufurd, a copy of which is herewith enclosed.

In the same paper you will find instructions on another point of great delicacy and importance, namely, the language to be held in answer to any inquiries on the part of the inhabitants, respecting their future situation at a peace.

No other assurance, as you will see by the paper referred to, can be given them, but that his Majesty will not surrender, but with great reluctance, possessions to which he attaches so much value; and would, in no case, consent to such surrender, without providing for the security of those who, from the attachment shown to his Majesty, might be fearful of having rendered themselves obnoxious to the displeasure of their former government.

It is supposed above, that an addition might be made to his Majesty's forces by troops raised in the country. Great care must be taken of course in selecting the individuals or classes proper for such a purpose; and in determining the footing on which they shall be placed, and the amount to which they should be carried; but, subject to these precautions, much aid, it is conceived, may be derived from this source, towards securing his Majesty's possessions in that quarter, and for avoiding, at the same time, the necessity of too large a demand on the regular forces of this country. It is hardly necessary to remark, that on this as on every other occasion, the strictest re-

gard must be had to economy, as well in adopting any measure originally, as in arranging the details for carrying the same into effect. And you will, therefore, be expected, in notifying the adoption of any step on this subject, to enter into a particular detail of the expense to be thereby incurred, and of the reasons which have induced you to think that an expense to that extent was necessary for the attainment of the object.

It has been supposed above, that whether in the event of a junction with General Craufurd, or otherwise, no doubt could be entertained of your retaining possession, either to a greater or lesser extent, of some parts of the Eastern Coast.

But two cases remain to be provided for, which, however unlikely, must not be wholly passed over. One, namely, that of your finding, on your arrival, that the places hitherto occupied by his Majesty's troops are no longer in their possession: the other, that of its becoming necessary, at any subsequent period, to abandon whatever had been before possessed, and to withdraw the whole of the British force from that country. In either of these cases, nothing would seem to remain, but to consider of the mode by which both yourself and General Craufurd, with the whole of the troops which you severally have with you, might best return to England. But in arranging means for that purpose, as well as in deciding on the measure itself, regard must be had to the probable state of the armament under General Craufurd, at the time, considered with a view to the health of the troops, to the supplies still remaining on board the ships, and to the consequent difficulties which might arise upon any new and sudden extension of their voyage.

These considerations will not only require that any orders which you may send to General Craufurd, in the event of his being separated from you, should be to a certain degree discretionary, but may have an influence also in determining the line of conduct which you yourself may think it right to pursue, in concert with the naval commanding officer.

You will be careful to avail yourself of every opportunity for conveying to his Majesty's government intelligence of your proceedings, the want of regular and constant information having been already found to be a great source of embarrassment, with respect to the particular service of which you are now about to take the direction.

I have the honour to be, &c.

(Signed) HOWICK,

(In the absence of Mr. Windham.)

Lieutenant-General Whitelocke,
Commander of the Forces
serving in South America.

## LIST OF ENCLOSURES.

Letter from Brigadier-General Craufurd, dated Port Praya, 11th January, 1806.
Instructions to Sir S. Achmuty, 22d September, 1807.
Instructions to Brigadier-General Craufurd, No. 1, 30th October, 1806.
Instructions to Brigadier-General Craufurd, 2d January, 1807.
Instructions to Sir S. Achmuty, 3d January, 1807.
Order in Council, 17th September, 1806.
Order in Council, 1st October, 1806.
Instruction, No. 2, to Brigadier-General Craufurd, 30th October, 1806.

## No. 5.

Copy of a Letter from Lieutenant-General WHITELOCKE, to the Right Honourable WILLIAM WINDHAM, dated Buenos Ayres, July 10th, 1807.

Buenos Ayres, July 10th, 1807.

SIR,

I HAVE the honour to acquaint you, for the information of his Majesty, that upon being joined at Monte Video, on the 15th of June, by the corps under Brigadier-General Craufurd, not one moment was lost by Rear-Admiral Murray and myself, in making every necessary arrangement for the attack of Buenos Ayres. After many delays, occasioned by foul winds, a landing was effected, without opposition, on the 28th of the same month, at the Ensenada de Barragon, a small bay about 30 miles to the eastward of the town. The corps employed on this expedition were, three brigades of light artillery, under Captain Fraser; the 5th, 38th, and 87th regiments of foot, under Brigadier-General Sir Samuel Achmuty; the 17th light dragoons, 36th and 38th regiments, under Brigadier-General the Honourable William Lumley; eight companies of the 95th regiment, and nine light infantry companies, under Brigadier-General Craufurd; four troops of the 6th dragoon guards; the 9th light dragoons; 40th and 45th regiments of foot, under Colonel the Honourable T. Mahon; all the dragoons being dismounted, except four troops of the 17th, under Lieutenant-Colonel Lloyd.

After some fatiguing marches through a country much intersected by swamps and deep muddy rivulets, the army reached

Reduction, a village about nine miles distant from the bridge over the Rio Chuello, on the opposite bank of which the enemy had constructed batteries, and established a formidable line of defence. I resolved, therefore, to turn the position, by marching in two columns from my left, and crossing the river higher up, where it was represented fordable, to unite my force in the suburbs of Buenos Ayres. I sent directions at the same time to Colonel Mahon, who was bringing up the greater part of the artillery, under the protection of the 17th light dragoons, and 40th regiment, to wait for further orders at Reduction. Major-General Levison Gower having the command of the right column, crossed the river at a pass called the Passo Chico, and falling in with a corps of the enemy, gallantly attacked and defeated it; for the particulars of which action I beg to refer you to the annexed report. Owing to the ignorance of my guide, it was not until next day that I joined with the main body of the army, when I formed my line by placing Brigadier-General Sir Samuel Achmuty's brigade upon the left, extending it towards the convent of the Recollata, from which it was distant two miles. The 36th and 88th regiments, being on its right, Brigadier-General Craufurd's brigade occupying the central, and principal avenues of the town, being distant about three miles from the great square and fort; and the 6th dragoon guards, 9th light dragoons, and 45th regiment being upon his right, and extending towards the Residentia. The town was thus nearly invested; and this disposition of the army, and the circumstances of the town and suburbs being divided into squares of 140 yards each side, together with the knowledge that the enemy meant to occupy the flat roofs of the houses, gave rise to the following plan of attack:—Brigadier-General Sir Samuel Achmuty was directed to detach the 38th regiment to possess itself of the Plaza de Tauros, and the adjacent strong ground, and there take post. The 87th, 5th, 36th, and 88th regiments were each divided into wings, and each wing ordered to penetrate into the street directly in its front. The light battalion divided into wings, and each followed by a wing of the 95th regiment, and a 3-pounder, was ordered to proceed down the two streets on the right of the central one, and the 45th regiment down the two adjoining, and after clearing the streets of the enemy, this latter regiment was to take post at the Residentia. Two 6-pounders were ordered along the central street, covered by the carabineers and three troops of the 9th light dragoons, the remainder of which was posted as a reserve in the centre. Each division was ordered to proceed along the street directly in its front, till it arrived at the last square of houses next the river Plata, of which it was to possess itself, forming on the flat roofs, and there wait for further orders. The 95th regiment was to occupy two of the most commanding situations,

from which it could annoy the enemy. Two corporals, with tools, were ordered to march at the head of each column, for the purpose of breaking open the doors. The whole were unloaded, and no firing was to be permitted until the columns had reached their final points, and formed. A cannonade in the central streets was the signal for the whole to move forward.

In conformity to this arrangement, at half past six o'clock of the morning of the 5th instant, the 38th regiment moving towards its left, and the 87th straight to its front, approached the strong post of the Retiro and Plaza de Tauros; and, after a most vigorous and spirited attack, in which these regiments suffered much from grape-shot and musketry, their gallant commander, Brigadier-General Sir Samuel Achmuty, possessed himself of the post, taking 32 pieces of cannon, an immense quantity of ammunition, and 600 prisoners. The 5th regiment, meeting with but little opposition, proceeded to the river, and took possession of the church and convent of Saint Catalina. The 36th and 88th regiments, under Brigadier-General Lumley, moving in the appointed order, were soon opposed by a heavy and continued fire of musketry from the tops and windows of the houses, the doors of which were barricadoed in so strong a manner, as to render them almost impossible to force: the streets were intersected by deep ditches, on the inside of which were planted cannon, pouring showers of grape on the advancing columns. In defiance, however, of this opposition, the 36th regiment, headed by the gallant General, reached its final destination; but the 88th, being nearer to the fort and principal defences of the enemy, were so weakened by his fire, as to be totally overpowered and taken. The flank of the 36th being thus exposed, this regiment, together with the 5th, retired upon Sir Samuel Achmuty's post, at the Plaza de Tauros, not, however, before Lieutenant-Colonel Burne, and the grenadier company of the 36th regiment, had an opportunity of distinguishing themselves, by charging about 500 of the enemy, and taking and spiking two guns. The two 6-pounders moving up the central streets, meeting with a very superior fire, the four troops of the carabineers, led on by Lieutenant-Colonel Kington, advanced to take the battery opposed to them; but this gallant officer being unfortunately wounded, as well as Captain Burrell, next in command, and the fire, both from the battery and houses, proving very destructive, they retreated to a short distance, but continued to occupy a position in the front of the enemy's principal defences, and considerably in advance of that which they had taken in the morning.

The left division of Brigadier-General Craufurd's brigade, under Lieutenant-Colonel Pack, passed on nearly to the river, and, turning to the left, approached the great square, with

the intention of possessing itself of the Jesuits' college, a situation which commanded the enemy's principal line of defence; but, from the very destructive nature of his fire, this was found impracticable; and after sustaining a heavy loss, one part of the division throwing itself into a house, which was afterwards not found tenable, was shortly obliged to surrender, whilst the remaining part, after enduring a dreadful fire with the greatest intrepidity, Lieutenant-Colonel Pack, its commander, being wounded, retired upon the right division, commanded by Brigadier-General Craufurd himself. This division having passed quite through to the river Plata, turned also to the left, to approach the great square and fort, from the north-east bastion of which it was distant about 400 yards, when Brigadier-General Craufurd, learning the fate of his left division, thought it most advisable to take possession of the convent of Saint Domingo, near which he then was, intending to proceed onwards to the Franciscan church, which lay still nearer the fort, if the attack or success of any other of our columns should free him, in some measure, from the host of enemies which surrounded him. The 45th regiment, being further from the enemy's centre, had gained the Residentia without much opposition; and Lieutenant-Colonel Guard, leaving it in possession of his battalion companies, moved down with the grenadier company towards the centre of the town, and joined Brigadier-General Craufurd. The enemy, who now surrounded the convent on all sides, attempting to take a 3-pounder which lay in the street, the Lieutenant-Colonel with his company, and a few light infantry under Major Trotter, charged them with great spirit: in an instant the greater part of his company and Major Trotter were killed, but the gun was saved. The Brigadier-General was now obliged to confine himself to the defence of the convent, from which the riflemen kept up a well-directed fire upon such of the enemy as approached the post; but the quantity of round shot, grape, and musketry to which they were exposed, at last obliged them to quit the top of the building; and the enemy, to the number of 6000, bringing up cannon to force the wooden gates which fronted the fort, the Brigadier-General having no communication with any other columns, and judging from the cessation of firing that those next him had not been successful, surrendered at four o'clock in the afternoon. The result of this day's action had left me in possession of the Plaza de Tauros, a strong post on the enemy's right, and the Residentia, another strong post on his left, whilst I occupied an advanced position opposite his centre. But these advantages had cost about 2500 men in killed, wounded, and prisoners. The nature of the fire to which the troops were exposed was violent in the extreme. Grape-shot at the corners of all the streets, musketry, hand-

grenades, bricks and stones from the tops of all the houses. Every householder, with his negroes, defended his dwelling, each of which was in itself a fortress: and it is perhaps not too much to say, that the whole male population of Buenos Ayres was employed in its defence. This was the situation of the army on the morning of the 6th instant, when General Liniers addressed a letter to me, offering to give up all his prisoners taken in the late affair, together with the 71st regiment, and others taken with Brigadier-General Beresford, if I desisted from any further attack on the town, and withdraw his Majesty's forces from the river Plata; intimating at the same time, that from the exasperated state of the populace, he could not answer for the safety of the prisoners, if I persisted in offensive measures. Influenced by this consideration (which I knew, from better authority, to be founded in fact), and reflecting of how little advantage would be the possession of a country, the inhabitants of which were so absolutely hostile, I resolved to forego the advantages which the bravery of the troops had obtained, and acceded to the annexed treaty, which I trust will meet the approbation of his Majesty.

I have nothing further to add, except to mention, in terms of the highest praise, the conduct of Rear-Admiral Murray, whose cordial co-operation has never been wanting whenever the army could be benefited by his exertions. Captain Rowley, of the royal navy, commanding the seamen on shore; Captain Bayntun, of his Majesty's ship Africa, who superintended the disembarkation; and Captain Thomson, of the Fly, who had the direction of the gun-boats, and had previously rendered me much service, by reconnoitring the river, are all entitled to my best thanks.

As his character already stands so high, it is almost unnecessary to state, that from my second in command, Major-General Levison Gower, I have experienced every zealous and useful assistance. My thanks are likewise due to Brigadier-Generals Sir Samuel Achmuty and Lumley, and to Colonel Mahon, and to Brigadier-General Craufurd, commanding brigades. I cannot sufficiently bring to notice the uncommon exertions of Captain Fraser, commanding the royal artillery, the fertility of whose mind, zeal and animation in all cases, left difficulties behind. Captain Squire, of the royal engineers, is also entitled to my best thanks. Nor should I omit the gallant conduct of Major Nichols, of the 45th regiment, who, on the morning of the 6th instant, being pressed by the enemy, near the Residentia, charged them with great spirit, and took two howitzers and many prisoners. Lieutenant-Colonel Bradford, Deputy Adjutant-General, has likewise a great claim to my approbation, as a gallant and promising officer. The officers of my personal staff, Lieutenant-Colonel Tor-

rens, Military Secretary, Captains Brown, Foster, Douglas, and Whittingham, Aides-de-Camp, must also be mentioned by me in terms of just regard. The knowledge which the latter possesses of the Spanish language has been eminently useful to me.

This dispatch will be delivered to you by Lieutenant-Colonel Bourke, Deputy-Quarter-Master-General, who has afforded me that assistance which might be looked for from an officer of his military talents and attachment to the service; to whom I beg to refer you for any further particulars respecting the military operations in this part of the world.

I have the honour to be, &c.

(Signed) JOHN WHITELOCKE,
Lieutenant-General.

The Right Hon. W. Windham,
&c. &c. &c.

(A true Copy) E. COOKE.

## No. 6.

Copy of Letter from Lieutenant-General WHITELOCKE, to the Right Honourable WILLIAM WINDHAM, dated 10th July, 1807.—Private.

Buenos Ayres, July 10th, 1807.

SIR,

I HAVE the honour to inform you, that immediately after my arrival at Monte Video, on the 10th of May, I began to make every possible preparation for the attack of this place, as the first and most essential step towards the reduction of the province. For this purpose sloops of war and other light vessels were sent to reconnoitre the southern bank of the river, in order to fix upon the precise point of debarkation. It was found that the water was too shallow to admit of a landing, under cover of the ships of war, any where to the westward of the town of Buenos Ayres, nor nearer to it on the eastward than the Ensenada of Barragon. This bay was, therefore, fixed upon as the point of debarkation, and every arrangement that could previously be made was pressed forward with expedition, whilst I waited anxiously for the arrival of Brigadier-General Craufurd's corps, and the fleet with which I had sailed from England.

On the 27th of May, Rear-Admiral Murray and Brigadier-General Craufurd arrived at the mouth of the river; but owing to a prevalence of contrary winds, the expedition did not reach Monte Video until the 14th of June. I immediately determined

not to wait the arrival of the convoy from England, as by the general voice of the inhabitants, and of those officers who had passed the winter in the province, the months of July and August were represented as most unfavourable to military operations, on account of the heavy and continual rains which prevail at that season. Having fixed upon Colonia as the place of assembly from which the expedition was to proceed, I sent the troops upwards, in small divisions, on account of the intricate navigation, leaving at Monte Video the 47th regiment, the detachments of the 20th and 21st light dragoons, two companies of the 38th regiment, and a corps of militia, formed by the British merchants, in all composing a garrison of about 1300 men, under the command of Colonel Browne, of the 40th regiment; and after much delay, caused by contrary winds, Rear-Admiral Murray and myself arrived opposite the point of debarkation on the 28th ultimo.

In the morning the fleet stood into the bay, and before night the whole army, consisting as per margin*, was landed, without opposition, on the enemy's coast. The greater part of the next day was occupied in landing artillery, horses, and stores. Immediately on the landing of Brigadier-General Craufurd's brigade, and the 38th and 87th regiments, I detached Major-General L. Gower with this force and two 3-pounders, to occupy the heights in my front, about five miles distant; and the next morning I proceeded to join him with the rest of the army, four 6-pounders, and two 3-pounders, the remainder of the artillery not being landed. The same day I directed Major-General L. Gower to precede my march with his advanced corps, substituting the 36th and 88th regiments, under Brigadier-General Lumley, for the 38th and 87th regiments; and I left Colonel Mahon, with four troops of the 17th light dragoons, and the 40th regiment, to protect the guns when they should come up, and cover the rear of the army, being principally induced to break my force into these divisions, for the purpose of more readily procuring cover and fuel. On the 1st of July the advanced corps drove a small party of the enemy from the village of Reduction, and took post about two miles beyond it, whilst I occupied the village with the main body. I was now distant about nine miles from the bridge over the Rio Chuello, on the opposite bank of which I understood the enemy had constructed batteries, and intended to make a stand. I determined, there-

* 3 brigades artillery.
5th, 38th, 87th } Brigadier-General Sir S. Achmuty.
17th dragoons.
36th, 88th } Brigadier-General Lumley.
95th, Light battalion } Brigadier-General Craufurd.
4 troops 6th dragoon guards.
9th light dragroons.
40th, 45th } Colonel Mahon.

fore, instead of forcing the bridge, to turn the enemy's line of defence, by marching from our left, and crossing the river in two columns higher up, where it was represented fordable, and continuing to march until I should have got completely to the westward and northward of the town, appuyed my left on the river La Plata, and opened a communication with the fleet. On the 2d instant, at nine o'clock, Major-General L. Gower marched with his corps, which should now be considered as the right column, and I marched myself at ten, with the intention of uniting our forces that evening in the suburbs of the town, Major-General L. Gower having crossed the river, his leading brigade fell in with a considerable corps of the enemy, under General Liniers himself, which he attacked with great vivacity, completely overthrew it, taking ten pieces of cannon and some prisoners. The Major-General halted on the ground from which he had driven the enemy, waiting my arrival, and sending, at the same time, a summons to General Liniers (No. 1), which was refused on this occasion, as well as the following day, when I sent to him myself (as per No. 2). Owing to the ignorance of my guide, who conducted me by a considerable detour, I did not reach the Major-General until the next day, when I formed my line by placing one of my brigades under Sir Samuel Achmuty, on the left of Brigadier-General Lumley's, extending it towards the convent of the Recollata, distant about two miles; and another under Lieutenant-Colonel Guard, on the right, towards the Residentia, whilst Brigadier-General Craufurd's brigade occupied the central and principal avenues into the town, being distant about three miles from the great square and the fort of Buenos Ayres. In pursuance of my original design, I intended to march the next morning by my left to the convent of Recollata, which standing on high ground immediately over the river, I could have communicated with the fleet, and landed heavy guns for a vigorous attack of the town, should General Liniers obstinately refuse to surrender it. Upon consulting, however, with Major-General L. Gower, he submitted to me another plan of attack, which as it promised a more expeditious issue, inasmuch as it obviated the necessity of marching to the left, and the delay which would be occasioned by landing heavy guns and erecting batteries, a delay which I the more dreaded on account of the rains having, to all appearance, set in, and the men being in a great degree exposed to the severity of the weather, from the impossibility of conveying camp equipage. I consented, for these reasons, to change my plan, and adopt what seemed to be generally approved by the general officers under me. Besides, the measure of bombardment, or any other measure which might occasion an indiscriminate loss of life, ruin the town, and irritate the people, appeared to me, upon reflection, contrary both to the letter

and spirit of my instructions. I hoped also, by this plan, to be able to dislodge those who opposed the progress of his Majesty's arms, and by driving them to the bottom of the town, there make a number of prisoners, which might be, in our hands, so many pledges for the return of the 71st regiment and the other troops captured with Brigadier-General Beresford, whilst the peaceable inhabitants, and those best disposed towards us, by remaining quietly in their houses, might escape the danger of the attack. The nature of this attack can be best explained by annexing the General Order, (No. 3). The result was successful in the principal points, as I obtained possession of the Plaza de Tauros, a strong post on the enemy's right flank, 32 pieces of ordnance, and a large depôt of ammunition and provisions, as well as the Residentia, another strong post on the enemy's left, and four pieces of cannon which defended it. But these conquests were purchased with the loss of 2500 men killed, wounded, and prisoners, and amongst the latter Brigadier-General Craufurd and other officers of rank. The conduct of both officers and men in this action has been gallant in the highest degree, and the severity of the loss occasioned solely by the obstinacy of the defence. The enemy had dug ditches across the principal streets, and placed cannon within them: he occupied the flat roofs of all the houses in commanding situations, and from thence, and the windows, poured a destructive fire of musketry, hand-grenades, fire-pots, &c. upon the columns as they advanced; having likewise had the precaution to barricade the doors in so strong a manner as to render them very difficult to force, though the troops had been provided with instruments for that purpose. Every householder, with his negroes, defended his dwelling; and it is, perhaps, not too much to say, that the whole male population of Buenos Ayres was employed in its defence, which very population in the field would probably not have withstood the attack of two British regiments.

On the morning succeeding the attack I received a letter from General Liniers, offering to give up all prisoners taken in the late affair, as well as those taken with Major-General Beresford, if I consented to relinquish the attack, and withdraw his Majesty's forces from the province. A correspondence upon this took place, which ended in the treaty I have the honour to transmit.

My reasons for acceding to this negociation were briefly these:—I had lost in the preceding attack —— men, although I had gained a strong post on the enemy's right flank, from which I communicated with the fleet, and from which it might be possible to fire heavy cannon on the town, and otherwise annoy it. Yet the enemy's chief defences were too remote from this point, and too much covered by houses to allow me

to hope that I could, in any given time, destroy them by cannon alone, even if the nature of my instructions had not militated against such a measure. General Liniers had likewise acquainted me in his letter, that he could not answer for the lives of his prisoners, if the attack was persisted in; and from every thing I have since heard from the officers themselves, I have reason to believe they would all have been sacrificed to the fury of an exasperated rabble. Nothing, therefore, remained to be done offensively, but another attack on the town, conducted in a manner similar to the last; the event of which must have been doubtful, as my force, when collected, did not reach 5000 men; and, if even successful, my loss would probably have rendered that force insufficient to keep the place when taken. If it was deemed fruitless to attempt another attack, there yet remained two modes of retreat, either by treaty, or re-embarking in the face of the enemy. The latter measure would certainly have been attended with additional loss, and the wounded and prisoners of the late affair, as well as the 71st regiment, in all 4000 men, lost for ever to Great Britain. In return for which I should have possessed but a nominal command at Monte Video, a post which can never be considered of any advantage whilst the capital of the province, and the great entrepôt of commerce remained in the hands of the enemy.

I determined, therefore, to accede to this treaty, by which I shall be enabled to bring off my own army almost entire, and recover the 71st regiment, a point which my instructions has taught me to consider as of the first importance; and I shall evacuate a province which the force I was authorized to calculate upon could never maintain, and which, from the very hostile disposition of its inhabitants, was in truth not worth maintaining.

I shall dispose of the army in the manner pointed out in my instructions, the particulars of which I shall detail to you from Monte Video, by another man of war that will sail from thence with duplicates of these dispatches. Trusting that the conduct I have pursued in this difficult situation may meet with the gracious approval of his Majesty.

I have the honour to be, &c.

(Signed) JOHN WHITELOCKE,
Lieutenant-General.

This will be delivered to you by Lieutenant-Colonel Bourke, to whom, as well as Sir Samuel Achmuty, I refer you for further particulars.

(A true copy) E. COOKE.

Right Honourable
William Windham, &c. &c. &c.

# No. 7.

## TREATY.

A Definitive Treaty between the Generals in Chief of his Britannic Majesty, and of his Catholic Majesty, as per the following articles:

1st. THERE shall be, from this time, a cessation of hostilities on both sides of the river Plate.

2d. The troops of his Britannic Majesty shall retain, for the period of two months, the fortress and place of Monte Video; and, as a neutral country: there shall be considered a line drawn from San Carlos on the west, to Pando on the east, and there shall not be on any part of that line hostilities committed on any side, the neutrality being understood, only that the individuals of both nations may live freely under their respective laws—the Spanish subjects being judged by theirs, as the English by those of their nation.

3d. There shall be on both sides a mutual restitution of prisoners, including not only those which have been taken since the arrival of the troops under Lieutenant-General Whitelocke, but also all those his Britannic Majesty's subjects captured in South America since the commencement of the war.

4th. That, for the prompt dispatch of the vessels and troops of his Britannic Majesty, there shall be no impediment thrown in the way of the supplies of provision which may be requested for Monte Video.

5th. A period of ten days, from this time, is given for the re-embarkation of his Britannic Majesty's troops, to pass to the north side of the river La Plata, with the arms which may actually be in their power, stores and equipage, at the most convenient points which may be selected, and during this time provisions may be sold to them.

6th. That at the time of the delivery of the place and fortress of Monte Video, which shall take place at the end of the two months fixed in the second article, the delivery will be made in the terms it was found, and with the artillery it had when it was taken.

7th. Three officers of rank shall be delivered for and until the fulfilment of the above articles by both parties; being well understood, that his Britannic Majesty's officers who have been on their parole, cannot serve against South America until their arrival in Europe.

Done at the Fort of Buenos Ayres, the seventh day of July, one thousand eight hundred and seven, signing two of one tenor.

SANTIAGO LINIERS,
CASER BALBIANI,
BERNARDO VELASCOS.

JN. WHITELOCKE,
Lieut.-Gen. Commr.
GEO. MURRAY,
Rear-Admiral Commr.

(A true Copy)
E. COOKE.

## No. 8.

Copy of a Letter from the Right Honourable W. WINDHAM to Brigadier-General CRAUFURD, dated Downing-street, October 30, 1806.—Secret Copy.

Downing-street, October 30, 1806.

SIR,

IN the management of the pecuniary concerns of the expedition (and in case of your success), in the civil administration of such parts of the Spanish colonies as may be occupied by the forces under your command, you will, as far as circumstances admit, attend to the following directions, until his Majesty's further pleasure shall be communicated to you.

You will observe the greatest possible economy, so far as depends upon you with regard to the expenditure of stores, and to the supplies of money which it may from time to time be necessary to place in the hands of the Commissary or Deputy-Paymaster attached to the expedition; and you will, for this purpose, give such timely information and instructions to such Commissary, as may enable him to provide the necessary articles at the cheapest rate, and to draw bills, or procure supplies of specie in the most advantageous manner, taking care not to authorize the making of any purchase, the drawing of any bill, or the issuing of any sums of money by way of imprest, unless the necessity of so doing shall be made evident to you; and herein you will carefully attend to the instruction given by the Lords Commissioners of his Majesty's treasury to Mr. Deputy Commissary-General Bullock, and Mr. Deputy Commissary-General of Accounts Manby, and enforce, so far as in you lies, a due observance thereof.

It is also necessary for you to pay particular attention to the act passed in the last session of parliament for the better auditing of public accounts (a copy of which is herewith transmitted

to you for that purpose), and particularly to the 8th, 9th, 10th, 12th, and 14th sections thereof; and you are not only to observe the same by transmitting regularly to the Lords Commissioners of his Majesty's treasury, or their secretaries, and to the auditors of public accounts, such accounts as are therein directed, and within the periods there limited, as far as circumstances will allow; but you are also strictly to require, and cause to be transmitted, in like manner, such accounts from all persons whatever, either civil or military, acting under your authority, and having in any shape any receipt or payment of public monies; and on this subject, as well as on all other matters of accounts, revenue, or expenditure, you are to correspond with one of the secretaries of the treasury.

In the event of your obtaining possession of any port or fortress on the coast of Chili, and especially in case any considerable district shall be disposed to place itself under his Majesty's protection, you will use every means in your power to conciliate the good-will of the inhabitants, and to convince them of the superior advantages to be derived from British connexion and government. For this purpose it is peculiarly important to abstain from every exercise of the rights of war which might produce any impression that booty and not protection was the object of the British government, or of those employed in the expedition. And in this respect the liberality and ample protection given to private rights and property at the capture of Buenos Ayres is highly commendable, and deserving of imitation. And this attention is the more necessary, as the coasts of South America have, at different times, been attacked by marauding expeditions, the ravages of which are not yet forgotten, and with which it will undoubtedly be a principal object of the enemy's attention, to endeavour to confound the armament under the command of you and Admiral Murray.

In the next place, you will be very careful to avoid any thing which can give offence to the religious opinions or established usages of the inhabitants, or tend to confound the different classes of their society, or destroy the subordination now habitual amongst them; excepting only, that so far as can be done without harshness, you will give a preference, on all occasions, to the Creole or native inhabitants of the country over Spanish Europeans. In case you meet with any French or other foreign Europeans resident in the country, you will be particularly attentive to their conduct, and take the most speedy and effectual means to counteract the dangerous designs which you may have reason to suspect them of forming, and, if necessary, remove them from the country.

In the management of the public revenue, you will continue to employ, until his Majesty's further pleasure shall be signified to you, such officers as you may find in possession of the different

situations connexed therewith, provided you shall have reason to be satisfied of their good conduct, replacing such as you may think suspicious by temporary appointments, until you receive further directions. Until such time the existing taxes are to remain on their present footing, excepting as to the abolition of the capitulation of the Indians, and such reduction of the custom duties as has already been mentioned in my other letter.

The management of the mines is also to continue on its present footing, and to be carried on for his Majesty's interests in the same manner as it now is for the interest of the King of Spain, excepting that you will give such orders for improving the condition of the Indians and Negroes therein employed, as may appear to you expedient; and that you will strictly prohibit the importation of slaves, for that or any other purpose, conformably to his Majesty's proclamations for regulating the trade of Buenos Ayres, to which you are in all respects to conform, so far as they be applicable to any places in your possession.

The sums arising from the public revenue are to be applied, in the first place, under your direction to the necessary expenses of the civil government, and, in the next place, to the expenses of the forces under your command (for which purpose the necessary sums will be regularly issued by you to the Deputy-Paymaster-General); and to the subsistence and supplies necessary for his Majesty's ships under the command of Admiral Murray, and any surplus remaining after discharging such expenses, is to be reserved for his Majesty's disposition; and the accounts of these different applications thereof are to be regularly transmitted home, as well by yourself as by the subordinate officers employed therein, for the examination and final audit of the Commissioners for auditing the public accounts in the manner above directed.

You will, in concert with Admiral Murray, give such directions respecting the Coasting Trade of the province, and its intercourse with Peru, as circumstances may appear to you to require; and on this subject no precise directions can be given: but it would seem most likely to promote the objects of the British Government, that this trade should be protected and kept open unless interrupted by the enemy, first in order to afford the means of disposing of the productions of the province of Chili, the agriculture of which will otherwise be checked, and of receiving those returns which are necessary to support its circulation and trade. Secondly, in order to encourage the introduction of British goods into Peru, from the ports of Chili, which may be expected to become depôts of trade to a considerable extent; and, thirdly, Because such an intercourse may furnish many opportunities of impressing the advantages of British connexions on the minds of the Peruvians, and disposing

them to concur in any measures which may be taken for subverting the Spanish government.

I am further to add, that you are on no account to make, or authorize to be made, any grants of land, or licences for the occupation thereof, without special directions from his Majesty.

I have, &c.

(Signed) W. WINDHAM.

To Brigadier-General Craufurd,
&c. &c. &c.

(A true Copy) E. Cooke.

## No. 9.

Copy of a Letter from the Right Honourable William Windham to Brigadier-General Craufurd, dated October 30, 1806.—Most Secret.

Downing-street, October 30, 1806.

SIR,

From the success which has attended his Majesty's arms on the east coast of South America, and the experience which the inhabitants of that country have had of the difference between the oppressive dominion of Spain, and the benign and protecting government of his Majesty, a knowledge of which must, ere this, have extended across the continent of South America, it is hoped that an attempt to gain a footing on the west coast of that continent may prove successful.

With a view to this object, and to opening and facilitating a commercial intercourse with the interior of the country, his Majesty has been pleased to direct that a force should be embarked, consisting of the numbers stated in the margin *; and I have the satisfaction to add, that his Majesty has been graciously pleased to select you for the command of this force.

A competent naval force has also been ordered to proceed with this armament, under the command of Admiral Murray, with whom you are to co-operate; and I am persuaded it is

* 5th foot, 1 battalion - - - - 678
36th ditto - - - - - 900
45th ditto - - - - - 661
88th ditto - - - - - 762
95th ditto - - - - - 500
Deserters - - - - - 250
2 companies of artillery - - - 250
4001

superfluous to point out, how much the success of the enterprise may depend on your preserving the most perfect harmony and good understanding with that officer, and on a like conduct being enforced on all branches of both services.

The choice of the course to steer, whether to the eastward, by the way of New South Wales, or to the westward, round Cape Horn, is left to Admiral Murray to determine; and on your arrival at the west coast of South America, much must be left to your joint discretion in respect to the precise plan of operations which you are to pursue.

The object of your expedition is the capture of the sea-ports and fortresses, and the reduction of the province of Chili; to which it is conceived, both from positive information received, and also from a just inference drawn from the success at Buenos Ayres, that your force is probably adequate.

It is, however, necessary to apprise you, that it is not intended that your operations should pass beyond the limits of Chili, as, by extending them to Peru, and attempting the capture of Lima, even under circumstances apparently favourable, you might engage in an enterprise disproportionate to your means, and, by failure, might even risk the loss of what may previously have been obtained in Chili; an event which would materially counteract the further views of government as to future operations on a more extended scale, in which the force under your command may be destined to co-operate.

If the expedition should go round Cape Horn, it has been represented here, that the best place of rendezvous for the fleet, in case of dispersion, would be the island of Mocha; on this point, however, Admiral Murray must exercise his judgement, with reference to the season of the year in which you may arrive in that quarter. Valparain being the sea-port of St. Jago, as well as the port from which Lima is chiefly supplied with grain, and being represented, by the most recent accounts, as by no means formidable in point of defence, seems to afford the most favourable object for your first attack; but your determination upon this point must be taken in full concert with Admiral Murray, as the question involves so many points of naval science, with respect to the means of approaching the land and disembarking the troops with the least possible loss.

You will bear in mind, that establishing and retaining a strong military position on the west coast of South America, from which future operations may be carried on, is the main object of your enterprise.

If you should succeed in reducing the province of Chili, or any portion thereof, your conduct towards the inhabitants is to be guided by the following instructions:

The ruling consideration which long restrained his Majesty from invading any part of the enemy's territory in South Ame-

rica, was the danger of erecting in that country, from the well-known impatience of that government, felt by the inhabitants, a spirit of insurrection, leading to the most sanguinary excesses, and which, except by the presence of a very superior force, might have been found impossible to control.

To prevent this danger, it is his Majesty's will that all means, either of authority or conciliation, within your power, should be employed; and that your principal efforts should always be directed to the maintenance of internal order and tranquillity, in the territories occupied by his Majesty's arms, and even in the countries adjacent thereto, where you are by no means to encourage any acts of insurrection or revolt, or any measures likely to any other change than that of placing the country under his Majesty's protection and government.

It is also his Majesty's pleasure, that the same rights and functions should be continued, as much as possible, to each class of inhabitants, which they have hitherto enjoyed and exercised; preserving to them the form of their former government, subject only to the changes which the substitution of his Majesty's authority for that of the King of Spain may render inevitable, with respect either to the individuals employed in administering the affairs of the province, or to the laws and regulations by which it is now governed.

You will, however, adopt all such measures as shall appear to you to be best calculated for improving the condition and conciliating the good-will of the inhabitants: amongst these changes, the abolition of the capitation tax, at present imposed upon the Indians, and of the different commercial restrictions and monopolies imposed by the Spanish government, are of course to be included. It is his Majesty's will that, in selecting men for employments under his government, particularly in instances of judicial or financial offices, natives of South America should in all cases be preferred to Spaniards; and that in all instances where the former can with any propriety be substituted for the latter, the change should be made.

It is also his Majesty's will, that all the commercial regulations established by his Majesty's Privy Council for the trade of Buenos Ayres, according to the enclosed copies of two Orders in Council, should, as nearly as circumstances will admit, be extended to all the other possessions which his Majesty may acquire in South America.

But the part of your conduct in the event to which I allude, requiring most caution will be, that which relates to the assurances to be given to the inhabitants, in proclamations or otherwise, as to the support which they may expect on the conclusion of a peace.

On this head you cannot follow a better rule than that pursued by Brigadier-General Beresford, of abstaining from all

declaration, by which his Majesty would stand pledged to any condition which it might eventually be inconvenient or difficult to fulfil.

The inhabitants will witness the extent to which his Majesty's authority will have been established amongst them, and will judge of the reluctance with which he will relinquish possessions likely to prove so highly beneficial to the interests of his kingdom; and upon this judgement they must be left to regulate their conduct: but no assurance can with propriety be given to them, but that of protection, so long as his Majesty's troops shall remain in force in the country, and an anxious wish on the part of his Majesty so to regulate the conditions of any future peace as to leave them no cause for apprehension.

If you should succeed in obtaining possession of Valparain and Saint Jago, or establishing any other sufficient footing in Chili, you are to take the earliest possible means of apprising Brigadier-General Beresford thereof, and of concerting with him the means of securing, by a chain of posts, or in any other adequate manner, an uninterrupted communication, both military and commercial, between the provinces of Chili and Buenos Ayres.

I have the honour to be, &c.
W. WINDHAM.

(A true copy) E. COOKE.

## No. 10.

### ORDERS IN COUNCIL.

At the Court at the Queen's Palace, the 1st of October, 1806.

Present,
The King's most excellent Majesty in Council.

WHEREAS it hath been represented to his Majesty, that over and above the royal duties, and the consulate or municipal duties, payable upon divers articles exported from the city, town, and fortress of Buenos Ayres and its dependencies, including therein all and every the territories belonging to, or forming a part of, the government of the same, a duty of two reals upon each ox hide, and of one real upon each horse hide exported, was levied and paid, during the time the said city, town, and fortress of Buenos Ayres and its dependencies were under the Spanish Government: And, whereas the Commander of his Majesty's forces to whom the said city, town, and fortress have surrendered, has thought fit, until his Majesty's pleasure should be known, to reduce the said additional duty to one real upon

each ox hide, and to make a proportional reduction of the duty payable upon each horse hide exported, his Majesty is thereupon pleased to order and declare, that the said reduced duties, and no other, shall, until the further signification of his Majesty's pleasure, continue to be paid upon each ox hide and horse hide exported as aforesaid in British ships, owned by his Majesty's subjects, and navigated according to law, or in ships bona fide belonging to any of the subjects or native inhabitants of the said city, town, and territories, such native inhabitants being peaceably resident within the same, and under the obedience of his Majesty's government there. And the right honourable the Lords Commissioners of his Majesty's Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

W. FAWKENER.

(A true copy) E. COOKE.

## No. 11.

At the Court at the Queen's Palace, 17th of September, 1806.

Present,
The Kings most excellent Majesty in Council.

WHEREAS the capital, city, town, and fortress of Buenos Ayres and its dependencies, have been conquered by his Majesty's forces, and the territory and forts of the same were delivered up to his Majesty, and the same are now in his Majesty's possession, his Majesty is, thereupon pleased to order and declare, and it is hereby ordered and declared, that all his loving subjects may lawfully trade to and from the said capital, city, town, and fortress of Buenos Ayres and its dependencies, including therein all and every the territories belonging to, or forming a part of, the government of the same, in British ships, owned by his Majesty's subjects, and navigated according to law, or in ships bona fide belonging to any of the subjects or native inhabitants of the said city, town, or territories, such native inhabitants being peaceably resident within the same, and under the obedience of his Majesty's Government there, and that such trade shall be subject to the same duties, rules, regulations, restrictions, conditions, penalties, and forfeitures, to which the trade to and from his Majesty's colonies, plantations, and islands in the West Indies and South America, is or shall be subject by law, except as is hereinafter specified.

And his Majesty is further pleased to order and declare, and it is hereby ordered and declared, that all commodities, being

of the growth, produce, or manufacture of the said capital city, town, and fortress of Buenos Ayres and its dependencies, including therein all and every the territories belonging to, or forming a part of, the government of the same, or which shall have been usually exported therefrom, shall be permitted to be imported into any of the ports of the United Kingdom, in British ships, owned by his Majesty's subjects, and navigated according to law, or in ships bona fide belonging to any of the subjects or native inhabitants of the said city, town, or territories, such native inhabitants being peaceably resident within the same, and under the obedience of his Majesty's Government there; and that such commodities shall be subject to the same duties, rules, regulations, restrictions, conditions, penalties, and forfeitures, as articles of the like sort are subject to coming from his Majesty's colonies, plantations, or islands in the West-Indies or South America.

And whereas information has been received, that the Commander of his Majesty's forces, to whom the said city, town, and fortress have surrendered, has reduced the duties on importation into the same, from about 34½ per cent. ad valorem, to 10 per cent. ad valorem, and 2½ per cent. for the consulate or municipal duties, making, in the whole, 12½ per cent. on all articles imported into the said place and its dependencies, in British ships, owned by his Majesty's subjects, and navigated according to law, in ships bona fide belonging to any of the subjects, or native inhabitants of the said city, town, or territories, such male inhabitants being peaceably resident within the same, and under the obedience of his Majesty's Government there; his Majesty is therefore pleased to order and declare, that the said reduced duties shall continue to be levied, and no other, on all articles so imported, with the exception of German linens, which are to continue to be subject to the same duties as were paid thereon before the conquest of the said place by his Majesty's arms, until his Majesty's pleasure shall be signified. And it is hereby further ordered, that it shall not be lawful for any slave or slaves to be landed or imported, or brought into the said city, town, or fortress of Buenos Ayres and its dependencies, including therein all and every the territories belonging to, or forming a part of the government of the same as aforesaid, upon pain that all slaves so landed, imported, or brought together, with the vessels bringing in the same, or from which the same shall be landed, and their cargoes shall become forfeited to his Majesty, his heirs, and successors; provided always, that this prohibition shall not extend to the several cases of slaves bona fide employed in navigating any ships trading to or from the said place, or of slaves bona fide employed as domestic slaves, and coming into the said place with their masters, or of slaves in any manner

employed in his Majesty's naval or military service. And the Right Honourable the Lords Commissioners of his Majesty's Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

W. FAWKENER,

Endorsed 17th Sept. 1806.

(A true copy) E. COOKE

## No. 12.

Major-General GOWER to General LINIERS, July 3.

Coral de Magiarala, before Buenos Ayres, July 3, 1807.

SIR,

CAPTAIN ROACHE, of the 17th dragoons, whom I had the honour of sending into you this morning, having informed me that you wished to communicate with me on the subject of terms, I beg to acquaint you, that his Excellency Lieutenant-General Whitelocke has ordered me (from his sincere wish to spare an unnecessary effusion of human blood) to intimate to you, that in the present situation of affairs, if they do not proceed to further hostilities, he will grant terms to the town of Buenos Ayres: that the following must be the basis on which they are to be granted; but that any trifling alteration which may make them more favourable, without altering their original fundamental stipulations, may possibly be agreed to:

1st. All British subjects detained in South America must be delivered up, and sufficient hostages placed in the power of the British Commander till their arrival at Buenos Ayres.

2d. That all persons holding civil offices dependent on the government of Buenos Ayres, and all military officers and soldiers, become prisoners of war.

3d. That all cannon, stores, arms, and ammunition, be delivered up uninjured.

4th. That all public property, of every description, be delivered up to the British Commanders.

5th. That the free and unrestrained exercise of the Roman Catholic religion be granted to the inhabitants of Buenos Ayres.

6th. That all private property on shore shall be respected, and secured to its owners.

Our force is so considerable that, I believe, in candour, you cannot doubt of the ultimate result. I trust you will believe me, when I assure you, that a wish to avoid so dreadful a scene as that which a town taken by assault always presents is the

only thing which has induced his Excellency Lieutenant-General Whitelocke to permit me to address you.

(Signed) J. L. GOWER,
Major-General.

His Excellency Gen. Liniers,
&c. &c. &c.

(A true Copy) E. COOKE.

## No. 13.

Major-General ELLIO's Answer to Major-General GOWER.

July 3, 1807.

SIR,

BY orders of the Spanish General, Don Santiago Liniers, I answer to the letter brought by your flag of truce respecting the surrender of this capital, by saying, that nothing relative to laying down our arms will be attended to—That the Spanish General has a sufficient number of brave troops, commanded by brave chiefs, full of desire to die in defence of their country, and that this is the moment to show their patriotism.

I remain, &c.

(Signed) Major-General CALL. ELLIO.

Major-Gen. Levison Gower.

## No. 14.

Plan of Attack.—Circular.

Head-Quarters, Camp before Buenos Ayres, July 4, 1807.

SIR,

HEREWITH I have the honour to enclose instructions for the attack of Buenos Ayres. The refusal of the Spanish General to listen to terms, and the state of the army from fatigue and bad weather, leaves but little choice as to the mode of accomplishing our purpose; otherwise I should assuredly be disposed to adopt one equally calculated to secure to us possession of the place without the probable chance of so much blood being spilt.

I therefore have to desire that you will impress upon the minds of all officers acting under your immediate orders, the necessity of preventing, in as great a degree as possible under such circumstances, acts of violence on the persons of those who do not carry arms, as well as women and children.

I have the honour to be, &c.

To Brigadiers. (Signed) JOHN WHITELOCKE.

## COPY OF GENERAL ORDERS,
4th July, 1807.

Sir Samuel Achmuty to detach the 38th regiment, to possess itself of the Plaza de Tauros, and the adjacent strong grounds, and there post itself.

The 87th, 5th, 36th, and 88th regiments to be divided into wings, and each wing is to penetrate into the street directly in its front, in a column of sections right in front.

The light battalion to penetrate by wings into the second street, on the right of that leading up from Mr. White's house, and the next to it, followed by the 95th regiment.

The left division of the 95th is to receive its orders from Colonel Pack, the right division from General Craufurd; two 3-pounders to follow these columns, one each. The 45th to advance by wings, left in front, up to the two next streets beyond the light battalion. The carabineers to move up with and cover two 6-pounders, which will be advanced up the street from Mr. White's, and remain with them.

The 9th light dragoons to move to the left, and take the ground of the light battalion, at five o'clock, where they will receive further orders.

Each officer commanding a division of the left wing, which is from the 88th to 87th inclusively, to take care that he does not incline to his right of the right wing, that is, light brigade and 45th regiment to the left.

The cannonade in the centre to be the signal for the whole to rush forward; and each division to go, if possible, straight down the street before it, till it arrives at the last square of houses near to the river Plate, of which they are to possess themselves, and on the tops of which they are to form: if they find that they suffer by any interior defences, to lodge themselves as far in advance as they can. Two corporals, with tools, to be attached to the head of each column. The whole to be unloaded, and no firing to be allowed on any account.

When the business is over, the utmost exertion to be used to keep the men collected and formed.

The regiments may leave their packs in their present cantonments, with a subaltern's guard, if they wish.

The cannonade will commence at 30 minutes past six o'clock precisely.

(A true copy) E Cooke.

## No. 15.

### Major-General Gower's Orders.

Major-General Levison Gower, as second in command, will be occupied in making the necessary arrangements relative to the executive duties and localities of the situation, aided by Brigadier-General Sir Samuel Achmuty; whose able assistance will also be brought in aid of what may appertain to the many other points to which the attention of the Commander of the forces must of course be directed, in a command in its nature new and intricate.

The other appointments to the Staff will be communicated to the army on the arrival of the additional force.

The 9th light dragoons to march to the left, and take the ground of the light battalion at five o'clock, where they will remain till further orders.

# No. 16.

Abstract of Ordnance and Ammunition embarked for Service in the River Plata.

Monte Video, June 20, 1807.

| | Ordnance. | | | | | | | | Number of Rounds per Gun. | Ball Cartridges. | | | Materials for making Musket-ball Cartridges. | Rifle Ammunition in Cartridges in Powder, and loose Balls. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 24-Pounders. | 12-Pounders. | 6-Pounders. | 4-Pounders. | 3-Pounders. | 12-inch Mortars. | 5½-inch Howitzers. | Total. | | Musket. | Carabine. | Pistol. | | |
| With three Field Brigades of Artillery..... | .. | .. | 8 | 5 | 2 | .. | 3 | 18 | 200 | 48,000 | ... | .. | ... | 8,000 |
| Reserve Artillery..... | 3 | 3 | .. | .. | .. | 2 | 2 | 10 | 200 | 2,623,000 | 20,000 | .. | 400,000 | 32,000 |
| Total..... | 3 | 3 | 8 | 5 | 2 | 2 | 5 | 28 | .. | 2,671,000 | 20,000 | .. | 400,000 | 40,000 |

Memorandum.—The above is exclusive of about 900,000 musket-ball cartridges now at Colonia; and of about 350 rounds per man of rifle ammunition, with the detachment of the 95th regiment, which lately sailed towards Colonia, under the command of Major M'Leod.

AUG. S. FRASER,
Capt. Horse Artillery.

# No. 17.

## Disembarkation Return of the Royal Artillery, under the command of Captain FRASER, at the Ensenada de Barragon, on the 28th June, 1807.

Monte Video, August 3. 1807.

| | Royal Artillery. | | | | | | | | | | | Drivers and Dragoons attached as Drivers. | | | | | Civil branch. | Horses and Mules. | | | Ordnance and Carriages. | | | | | | | Small-arm Ammunition for the Troops. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Captains. | Lieutenants. | Assistant Surgeon. | Staff Serjeant. | Serjeants. | Corporals. | Bombardiers. | Gunners. | Trumpeter. | Drummers. | Total. | Serjeant. | Corporals. | Drivers. | Artificers. | Total. | Clerk of Stores and Paymaster. | Horses. | Mules. | Total. | 6-Pounders. | 4-Pounders. | 3-Pounders. | 5½-inch Howitzer. | Total number of Guns. | Ammunition Carriages. | Small-arm Ammunition Carriages. | Total of Carriages. | Number of Rounds per Gun. | Musket-ball Cartridges. | Carabine-ball Cartridges. | Rounds of Rifle Ammunition. |
| Landed at Ensenada. | 5 | 5 | 1 | 1 | 6 | 5 | 22 | 277 | 1 | 4 | 327 | 1 | 5 | 106 | 4 | 116 | 1 | 170 | 30 | 200 | 8 | 5 | 2 | 1 | 16 | 8 | 8 | 32 | 100 | 52,000 | 3300 | 22,000 |

Memorandum.—The above return is as nearly correct as circumstances will permit.

Monte Video, August 3, 1807.

AUG. S. FRASER,
Capt. Horse Artillery.

## No. 18.

Abstract of Ordnance and Stores captured from the Enemy in the Suburbs and City of Buenos Ayres, on the 2d and 5th July, 1807.

Garrison and field-pieces of different calibres, and mounted on travelling carriages, 43.

About 25,000 round-shot for field-pieces of various calibres; and about 1000 shells for mortars of various natures.

And an arsenal, containing every description of ammunition and military stores; of which a return shall be given as soon as possible.

The original of the above abstract was, with other papers and documents, thrown over-board, from a boat which was nearly overset by a heavy squall on the evening of July 12, 1807, as the last artillerymen were embarking at Buenos Ayres; which circumstance was reported at the time to the Board of Ordnance; to whom, as well as to the Commander of the forces, correct returns had been previously transmitted. This copy is taken from a rough copy in the pocket of Captain Fraser, but is believed to be perfectly correct.

AUG. S. FRASER,
Captain Horse Artillery.

# No. 19.

**Return of Brass Ordnance, &c. captured from the Enemy in the Suburbs of Buenos Ayres, July 2, 1807.**

| Nature of Ordnance and Stores. | | Serviceable. | Spiked. | Total. |
|---|---|---|---|---|
| Brass Ordnance upon travelling Carriages, with Limbers, complete | 12-Pounders - | 1 | — | 1 |
| | 8-Pounders - | 1 | 1 | 2 |
| | 4-Pounders - | 6 | — | 6 |
| | 6½-Inch Howitzer. | 1 | — | 1 |
| | Total - | 9 | 1 | 10 |
| Carriages filled with Ammunition for Field-pieces | Caisson — — | 1 | — | 1 |
| Ditto with Musket-ball Cartridges | Cart — — — | 1 | — | 1 |
| | Cart — — — | 1 | — | 1 |
| Muskets — — — — — — — | | — | — | — |
| Bayonets — — — — — — — | | — | — | — |
| Pouches — — — — — — — | | — | — | — |

The original of the above return was, with other returns and documents, thrown overboard, from a boat which was nearly overset by a heavy squall on the evening of July 12, 1807, as the last artillerymen were embarking at Buenos Ayres; which circumstance was reported at the time to the Board of Ordnance; to whom, as well as to the Commander of the forces, correct returns had previously been transmitted. This copy is taken from a rough copy in the pocket of Captain Fraser, but is, as far as it goes, believed to be perfectly correct.

AUG. S. FRASER,
Capt. Horse Artillery.

## No. 20.

Lieutenant-General WHITELOCKE to General LINIERS.

Head-Quarters before Buenos Ayres,
July 4, 1807.

I BEG you will do me the justice to impute to the principles of humanity only, the information I give you of my arrival, having joined the troops under the command of Major-General Levison Gower with the principal column of the army. I dare say it is not unknown to you that another column awaits my orders within little more than a league from your capital.

I beg, therefore, only to be informed, if, after this faithful communication, you still adhere to the answer given to the Major-General in your letter of yesterday, who was authorized to address you on this subject, in the event of his arrival before me.

The bearer, Captain Whittingham, has my orders to deliver this, and to wait half an hour from that time for your answer, yes or no.

J. WHITELOCKE.

To General Liniers, &c.

## No. 21.

General LINIERS to Major-General WHITELOCKE.

SIR,

I HAVE just received your Excellency's letter of this date, to the contents of which I have the honour to reply, that whilst I have ammunition, and whilst the same spirit which now animates this garrison and people shall continue to exist, I shall never think of delivering up the post which has been confided to me: and I am perfectly convinced, that I have more than sufficient means to resist all the efforts which your Excellency can make to conquer me.

The duties of humanity of which your Excellency speaks, will, I conceive, be more wounded by your Excellency, who is the aggressor, than by me.—I merely do that duty which is prescribed to me by honour and the just right of retaliation.

I have the honour to be, &c.

(Signed) SANTIAGO LINIERS.

July 4, 1807. (A true Copy) E. COOKE.

No. 22.

## Return of Provisions and Forage on board Vessels proceeding up the River La Plata.

| Ships' Names. | Flour. Pounds. | Biscuit. Pounds. | Beef. Pounds. | Pork. Pounds. | Sugar. Pounds. | Spirits. Gallons. | Indian Corn and Farina. Pounds. |
|---|---|---|---|---|---|---|---|
| Flora - - - - - | 82,656 | 84,000 | 82,656 | 82,734 | | | |
| Warre - - - - - | 135,072 | 134,400 | 135,072 | 135,060 | 44,842 | | |
| Countess of Cardigan | - - | - - | - - | - - | - - | - - | 140,000 |
| Nancy - - - - - | - - | 64,487 | 66,200 | 22,000 | - - | 5124 | |
| Total - - - | 217,728 | 282,887 | 283,928 | 239,794 | 44,842 | 5124 | 140,000 |

Monte Video, 19th June, 1807.

JOSEPH BULLOCK,
Commissary-General.

No. of Days Supply for 8000 Men.—Bread 35 days; Flour, as Bread, 33; Beef 35; Pork 20; Spirits 20; Forage, at the rate of 26lb. per ration, 5384 rations.

# No. 23.

Return of the Number of Days' Provisions landed at the Ensenada, and how disposed of.

| Dates. | | Bread. lbs. | Spirits. Galls. |
|---|---|---|---|
| June 19 | Three Days' supplies, about - - - - - | 21,000 | 230 |
| 30 | Issued to the Troops going on with the Artillery and Bat. Horses to complete 3 Days' supply, about - - - (Bread lbs. 1500, Spirits galls.) | 18,500 | 230 |
| | Left on the Ground, about (Bread lbs. 17,000, Spirits galls. 230) | | |
| | Remainder carried on Horses over the Swamp - - - - - - - - - | 2500 | |
| | Issued over the Swamp, about - - - | 500 | |
| | Remainder - - - - - - - - - | 2000 | |
| July 2 | Issued, about - - - - - - - - - | 2000 | |

Return of Provisions stated to have been landed at Reduction, and how disposed of.

| Dates. | | Bread. lbs. | Spirits. Galls. |
|---|---|---|---|
| July 5 | Landed from the 2d Inst. to this Day | 12,911 | 496 |
| | Issued to the Hon. Col. Mahon's Brigade, from the 2d to the 5th Inst. inclusive - - - - (Bread. lbs. 10,630, Spirits. Galls. 263) | 12,911 | 496 |
| | Lost in the Swamp between the landing place and Reduction, or left on the ground - - - (2281 233) | | |

Return of Iron and Brass Ordnance captured from the Enemy at Buenos Ayres, July 5, 1807.

| Nature of Ordnance. | | | | | Serviceable. | Spiked. | Total. |
|---|---|---|---|---|---|---|---|
| Ordnance | Upon travelling Carriages. | Guns. | Iron | 36-Pds. | — | 1 | 1 |
| | | | | 12-Pds. | 2 | 4 | 6 |
| | | | Brass | 36-Pds. | 1 | — | 1 |
| | | | | 16-Pds. | — | 1 | 1 |
| | | | | 12-Pds. | 1 | 1 | 2 |
| | | | | 8-Pds. | — | 1 | 1 |
| | | | | 6-Pds. | 3 | 2 | 5 |
| | | | | 3-Pds. | 1 | 1 | 2 |
| | | Howitzers, Brass 6½ Inch | | | 4 | — | 4 |
| | Upon Beds. | Mortars, Brass | | 12 Inch | 1 | — | 1 |
| | | | | 5½ Inch | 2 | 1 | 3 |
| | | | | Total | 15 | 12 | 27 |

**Memorandum.**—Exclusive of the above, six Field-pieces, the calibres of which were not ascertained, were taken from the enemy in the herat of the city, but were not brought away.

The original of the above return was, with other papers and documents, thrown overboard, from a boat which was nearly overset by a heavy squall, on the evening of July 12, 1807, as the last artillerymen were embarking at Buenos Ayres, which circumstance was reported at the time to the Board of Ordnance; to which, as well as to the Commander of the forces, correct returns had been previously transmitted. This copy is taken from a rough copy in the pocket of Captain Frazer, but is believed to be perfectly correct.

AUG. S. FRASER,
Captain Horse Artillery.

# No. 25.

**Return of Prisoners taken by the Enemy on the 5th of July, 1807.**

| Regiments. | Lieut.-Colonels. | Majors. | Captains. | Subalterns. | Staff. | Quart.-Masters. | Serjeants. | Drummers. | Rank and File. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|
| Royal Artillery - - | — | — | 1 | — | — | — | 1 | — | 18 | Including the wounded. |
| 6th Dragoon Guards | — | 1 | — | — | — | — | — | — | 1 | Ditto |
| Rifle Corps - - - | — | 2 | 5 | 19 | 3 | — | 24 | 12 | 495 | Ditto |
| Light Battalion - - | 2 | — | 8 | 18 | 3 | — | 37 | 12 | 729 | Ditto |
| 88th Regiment - - | 1 | 2 | 8 | 23 | 4 | — | 34 | 19 | 360 | Ditto |
| 45th Grenadiers - - | 1 | — | 1 | 2 | 2 | — | 3 | — | 73 | Ditto |
| Total - - - | 4 | 5 | 23 | 62 | 12 | — | 99 | 43 | 1676 | |

Brigadier-General CRAUFURD.

---

Prisoners taken from the Enemy.

| | |
|---|---|
| At the Plaza de Tauros — — — | 700 |
| At Miserere — — — — — — | 200 |
| At Residentia, about — — — — | 100 |
| | 1000 |

# No. 26.

**Return of the Effective Force after the Attack of the City of Buenos Ayres on the 5th of July, 1807.**

| Regiments. | Lieut.-Colonels. | Majors. | Captains. | Subalterns. | Staff. | Quart.-Masters. | Serjeants. | Drummers. | Rank and File. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|
| Royal Navy - - | — | — | 2 | 14 | 1 | — | — | — | 200 | |
| Royal Artillery - - | — | — | 4 | 4 | 1 | — | 6 | 4 | 292 | |
| Gunner Drivers - | — | — | — | — | — | — | 1 | — | 112 | |
| 6th Dragoon Guards | — | — | 2 | 8 | 1 | 4 | 15 | 4 | 247 | |
| 9th Light Dragoons | — | 2 | 6 | 10 | 3 | 5 | 28 | 5 | 534 | |
| 17th Ditto - - - | 1 | 1 | 5 | 16 | 4 | 7 | 34 | 8 | 565 | |
| 5th Regiment - | 1 | 2 | 7 | 22 | 5 | — | 33 | 12 | 661 | |
| 36th Ditto - - - | 1 | 1 | 4 | 19 | 4 | — | 38 | 12 | 603 | |
| 38th Ditto - - - | — | 1 | 4 | 6 | 2 | — | 18 | 7 | 481 | |
| 40th Ditto - - - | — | 1 | 7 | 10 | 3 | — | 44 | 18 | 740 | |
| 45th Ditto - - - | — | 2 | 5 | 13 | 6 | — | 21 | 15 | 505 | |
| 47th Ditto - - - | — | — | 1 | 2 | — | — | 4 | 2 | 59 | |
| 87th Ditto - - - | 1 | — | — | 7 | 3 | — | 35 | 13 | 442 | |
| Total - - - | 4 | 10 | 47 | 131 | 33 | 16 | 277 | 100 | 5441 | |

One Company of the 88th, at the Hospital, and two Subalterns, three Serjeants, and 56 Rank and File of ditto, with Colonel Mahon, not included.

J. BRADFORD,
Late Deputy-Adjutant-General

# No. 27.

## NINTH LIGHT DRAGOONS.

**Return of Horse Appointments, Accoutrements, &c. cast at Monte Video.**

| | Arms. | | | | | Buffs. | | | | | Horse Appointments. | | | | | | | | | | | | | | | | | | | | | | | | Horse Collars. | | | Dragoon Appoint. | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Carriages. | | | | | Holsters. | | | | | | | Bag Straps. | | | | | | | | | | | | | | | | | | | | | |
| | Carabines. | Bayonets. | Pistols. | Sword. | Ditto Scabbards. | Pouches. | Ditto Belts. | Waist Belts. | Long. | Short. | Saddles. | Panuels with Pads. | Girths. | Long. | Short. | Holster Straps—Pairs. | Flounces. | Stirrup Leather—Pairs. | Ditto Irons—Ditto. | Breast Plates. | Double. | Single. | Croppers. | Cloak Straps—Sets. | Bucket and Straps. | Carabine ditto. | Surcingles. | Cloak Covers. | Bitts. | Bradoon ditto. | Bitt Reins. | Bradoon ditto. | Bitt Headstall. | Bradoon ditto. | Nose Bands. | Curbs and Hooks. | Head Stalls. | Chains. | Billets. | Cloaks. | Boots. | Spurs. | Helmets. |
| Total | .. | 1 | .. | 1 | 3 | 1 | 2 | 1 | .. | .. | 60 | 17 | 12 | 21 | 21 | 25 | 43 | 5 | 1 | 23 | 31 | 28 | 8 | 26 | 21 | 12 | 14 | 4 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 45 | 18 | 6 | 65 | 14 | .. | 17 |

Guildford-barracks, Feb. 14, 1808.

C. W. ORDE,
Major 9th Light Dragoons.

# No. 28.

Canal of Miserala, July 3, 1807.

SIR,

I HAVE the honour to report to you, for the information of the Lieutenant-General Whitelocke, that the advanced corps under my command, consisting of three companies of the 95th light battalion, 36th and 38th regiments, with two 3 and two 6-pounders, advanced from the position I had taken up in front of the village of Reduction; and, after making a considerable detour from the badness of the roads, I crossed the Chuello at the Chico Pass; from thence I continued my route, though very strongly enclosed, and difficult ground, till the head of the column arrived at the junction of two roads, about 500 yards from the Canal of Miserala. At the same moment that we discovered the enemy, they commenced a heavy, though, after the first round, not well-directed fire of shot and shells, my artillery having been left in the rear, under the protection of three companies of Brigadier-General Lumley's brigade, owing to the inability of the horses to bring it up at the same rate at which the infantry marched. I directed an immediate attack to be made on their left flank with the bayonet, which was executed by Brigadier-General Craufurd in the most perfect manner, with his brigade, and he was so well seconded by the gallantry of Lieutenant-Colonel Pack and Major Travers, the officers and men of the 95th, and light battalion, that in five minutes the enemy's force, though strongly posted behind hedges and embankments, gave way, leaving about 60 killed and 70 prisoners, with all their artillery, consisting of nine guns, one howitzer, three tumbrels with limbers complete.

I beg to state that the conduct of every officer and soldier engaged was admirable; and that I am also under great obligations to Brigadier-General Lumley, for his exertions to take a share in the action, but which alone the very exhausted state of his regiments, from the severity of the march, prevented. Immediately after I formed, I found that he had taken a good position on the right of the light brigade, to support it in case of re-attack.

I am happy to add our loss has been but trifling, not exceeding 14 rank and file killed, 5 officers, and 25 rank and file wounded. The exact returns I have not been able to obtain.

I have the honour to be, &c.

(Signed) J. LEVISON GOWER,
Major-General.

Lieut.-Colonel Torrens,
Military Secretary.

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# APPENDIX II.

## *Letters, &c. read in the course of General Whitelocke's Defence.*

Letter from Sir Samuel Achmuty to the Right Honourable William Windham.

Sir, Monte Video, Feb. 7, 1807.

I have detailed the circumstances attending the capture of this place, but there are many points connected with it that require to be more particularly explained. The transports that brought us hither were such bad sailers that we were obliged to go into Rio Janeiro for water. I there learnt of the recapture of Buenos Ayres, and of our having possession of Maldonado. What force occupied it I could not learn from any good authority.

Under these circumstances, uncertain whether any impressions could be made on this coast, I requested Captain Donnelly of the Ardent, to complete the transports to four months' provision and water, if it could be effected at that place, for there was not a victualler with us; and I directed the Commissary to draw bills for a sum sufficient to advance part of the pay due to the troops. These services were performed at very favourable rates.

On my arrival at Maldonado, I found the troops there without artillery, without stores of any kind, with only a few days' provision, and without any prospect of procuring more, unless I detached a large force many miles in the country, exposed to the insults of a corps of 400 horse, that hovered round us to intercept supplies.

Our horse (we had 200 or 300 mounted) were unequal to pursue them, for the horses are not sufficiently strong to bear the weight of our equipments.

The enemy are armed with swords and muskets; they ride up, dismount, fire over the back of their horses, mount, and gallop off. All the inhabitants of this country are accustomed to this mode of warfare, and every inhabitant is an enemy.

Maldonado is an open town, and so situated that it cannot be made tenable with a small force. As it was of no consequence, in any point of view, I recommended its being evacuated, and the Admiral assented to the measure. Monte Video now appeared the only point I could with propriety assail, and I conceived my resources equal to the enterprise, but I found it a most arduous undertaking. I had not entrenching tools sufficient to make approaches; and, after a few days firing, the powder in all the fleet was reduced to 500 barrels, about four days' consumption. To add to my difficulties, 4000 picked troops, with 24 pieces of cannon, were rapidly approaching me. I determined

to assault the place at all events, and happily succeeded, though with a heavy loss.

So immediately after the capture it is impossible to estimate justly the value of the conquest. It is strong, and amply supplied with artillery, and a great quantity of ammunition. We should want powder if the siege was greatly protracted. We also want artillerymen. But how to provision the troops requires much deliberation. If the country is open, meat may be had is abundance, and cheap; but flour is very dear, and difficult to be obtained. Fuel is extremely scarce. Forage there is none. Should the country be shut up from us, we must live upon salt provision. At all events, if it is determined to hold this place as a post, without further operations. Large supplies of powder, flour, spirits, and salt meat, should be immediately sent out.

The capture of Buenos Ayres might make an alteration in the behaviour of the natives; but at present they are inveterately hostile. My force, after leaving a garrison in this place, would be unequal to the attempt; for though I should not fear meeting them in the field, they would soon harass me with their desultory attacks; nor could I keep in subjection an open town of 70,000 hostile inhabitants. In my opinion it will require a force of 15,000 men to conquer and keep this country.

I have but little time to make any arrangements within the town. The heads of all the offices are fled with their books and papers. The only measure I have yet adopted respecting the revenue is, to appoint a collector and comptroller of the customs, and a captain of the port. The duties directed by his Majesty will be punctually attended to; but with the approbation of the Admiral, I have determined, from the necessity of the case, to open the port for eight months, to neutrals bringing any article of food or liquor. How far I am justified in taking this measure on myself, I am ignorant; but I am convinced it is a necessary one; and his Majesty's order is founded on the supposition that the city and province of Buenos Ayres is in his possession.

I have the honour to be, with great respect,
Your most obedient humble servant,
S. ACHMUTY.

The Right Hon. William Windham, &c. &c.

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Letter from Sir Samuel Achmuty to the Right Honourable William Windham.

Sir, Monte Video, March 6, 1808.

When I last had the honour of addressing you, I had so lately gained possession of this fortress, and was so little acquainted with the country, that I could not presume to give more than a general opinion of the disposition of the inhabitants. I had every reason to believe they were, without exception, inimical to us. Previous to the surrender of Monte Video, I could place no confidence on any information I received; nor did any person superior to the lowest class come over to me. After its capture, a sullen silence pervaded every rank; and for some time the best informed among the principal citizens appeared ignorant of the most trifling occurrences.

The seizure of the viceroy by the inhabitants of Buenos Ayres, an

event certainly very important in itself, first gave me an insight into the views of many of the leading men, and convinced me that, however inimical they were to us, they were still more so to their present government.

The Marquis Sobramonte, viceroy of the province, had fled from Buenos Ayres, at its conquest by General Beresford. On the recapture, Signior Liniers, who commanded the troops on that occasion, was appointed governor of the city, and admittance was refused the Viceroy, who took up his residence at Monte Video. Previous to our investing it closely, he left it with a small corps, and a number of guns, and continued in its vicinity some time subsequent to the capture.

Immediately after the Leda was dispatched, I wrote to the Viceroy, demanding that our prisoners, taken at Buenos Ayres, should be delivered up, agreeably to the capitulation; and declaring that all the prisoners we had taken should, without exception, be sent to England, if the demand was not complied with. In reply, he acquainted me that he waited the orders of his sovereign before he could take any steps respecting his prisoners. This answer I communicated to the late Governor, and to the Cabildo, assuring them, that much as I regretted the necessity I was reduced to, I should certainly send away the prisoners.

I was now requested to write to the Cabildo at Buenos Ayres, and was informed that they alone could comply with my demand, as the Viceroy had no authority whatever, and the province was under their orders.

I now determined to send to Buenos Ayres, to demand the prisoners, and at the same time to offer terms to the inhabitants if they would surrender; but I waited until a force I had directed to advance into the country had begun its march. The intention of this corps was to oblige the Viceroy to fall farther back, to open the country, and to try how far it would be convenient to advance by land to Colonia. The Viceroy retreated on the first intimation of their approach, and fell in with a corps sent from Buenos Ayres to apprehend his person. He was conveyed a prisoner to that city.

To the reports of this capture were added others still more important; and I received them from so many quarters, that I could not avoid placing full reliance on them. It was added, that the Royal Court of Audienza was abolished, the king's authority set aside, and the Spanish colours no longer hoisted.

These reports were circulated with avidity, and I soon found that they were acceptable to the principal part of the inhabitants.

The persons who before appeared hostile and inveterate, now pressed me to advance a corps to Buenos Ayres; and assured me, if I would acknowledge their independence, and promise them the protection of the English Government, the place would submit to me.

Being fully determined to give no assurances whatever, but desirous to gain further and more positive information, I resolved to send an officer to Buenos Ayres. He was dispatched with a letter from the Admiral and myself to the Cabildo, claiming our prisoners, agreeably to the capitulation. It was also intimated, that we had heard they had refused obedience to the authority of the King of Spain; and as it was impossible they could have had time to arrange a form of government,

and consequently must be in a state of anarchy, we invited them to submit to his Britannic Majesty's authority, assuring them of the full benefit of their laws and religion, and security to their property. The vessel conveying these dispatches fell in with a boat, with General Beresford and Lieutenant-Colonel Pack on board, and returned immediately to Monte Video without delivering them.

The escape of General Beresford, an event as pleasing and important as it was unexpected, has put us in full possession of the views of the leading men, and the real state of the country. He had been ordered, immediately after the fall of Monte Video, to a town 300 leagues inland, and was already between 40 and 50 leagues from Buenos Ayres, when two Spanish officers, in the family of the Governor, who had been endeavouring to enter into some political negociation with him, proposed to assist and accompany him in making his escape, which, with great difficulty, was effected; and the General, after being three successive days secreted in Buenos Ayres, fortunately reached the ship with our dispatches.

From the General I was made acquainted, that the report of the suppression of the Court of Audienza, and the revolt from the Spanish authority, was unfounded. The forms of the ancient government were till adhered to, and the Court of Audienza, as next in authority to the Viceroy, assumed his power, but the city was a prey to every disorder and tumult.

The letter to the Cabildo was in consequence withdrawn, and one addressed to the Viceroy, or officers possessing the supreme authority, was substituted in its place.

I have the honour to enclose a copy of it, and of the answers received from Buenos Ayres.

From these answers it may be supposed that the leading people are unanimous in their determination to defend the place and keep their prisoners. But it appears that there are two parties in that city.

The party now in power are mostly natives of Spain, in the principal offices of church and state, and devoted to the Spanish Government. It has been their policy to inflame the minds of the lower order against the English, by every species of exaggeration and falsehood, and to lead them to such acts of atrocity, as may preclude the possibility of any communication with us.

From a consciousness that, similarly situated, they would breathe nothing but revenge, they expect no mercy, and are become desperate and determined.

The second party consists of natives of the country, with some Spaniards that are settled in it. The oppression of the mother country has made them most anxious to shake off the Spanish yoke; and though, from their ignorance, their want of morals, and the barbarity of their disposition, they are totally unfitted to govern themselves; they aim at following the steps of the North Americans, and erecting an independent state. If we would promise them independence, they would instantly revolt against the Government, and join us with the great mass of the inhabitants. But though nothing less than independence will perfectly satisfy them, they would prefer our Government, either to their present anarchy, or to the Spanish yoke, provided we would promise not to

give up the country to Spain at a peace; but until such a promise is made, we must expect to find them open or secret enemies.

I have thought it my duty to state, thus briefly, my sentiments of the views of the people of this country in their present state of mind. I do not think I have a force sufficient to attempt the reduction of the capital. They have a large body in arms, and are possessed of a powerful artillery. My present acquisition is too important to be left slightly defended; and I am sensible that every inhabitant within the walls is an enemy, and ready to commit any desperate act, if the least encouragement is given. Though I am still of opinion that I could defeat them in the field, and perhaps take the place, I cannot expect it without loss; and I am firmly persuaded I could not keep it when obtained, and that by grasping at too much I endanger the whole. If the force which has been promised me, has not been required for other purposes, I may anticipate a successful issue; but otherwise I must content myself with endeavouring to preserve in quiet the footing we have obtained, until I receive further instructions from home.

This letter will be delivered to you by General Beresford, who has declined assuming the command, and has determined to proceed immediately to England.

Though I regret extremely that an officer of his superior military ability, should not be employed in a country where, aided by his intimate knowledge of the seat of war, and the language, manners, and persons of the principal inhabitants, they must ensure success; yet I am very sensible that they will be essentially useful in assisting his Majesty's Ministers in coming to a determination as to their views in this country.

I have the honour to be, &c.

S. ACHMUTY.

The Right Hon. William Windham, &c. &c.

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Letter enclosed in the above, from Sir Samuel Achmuty, to the High Court of Audienza.

Gentlemen, Monte Video, February 6, 1807.

You must be acquainted with the capture of this place by the troops under our orders, and probably have been informed of the very extraordinary lenity shown to the inhabitants, even at the moment of assault.

Their lives, their religion, and their property, have been held sacred, and they are now blessing the hour that relieved them from a state of anarchy, and placed them under the mild government of our august Sovereign.

The prisoners taken in arms are kindly treated—the officers are admitted to their liberty on parole—and such privates as are inhabitants of the town, are allowed to return to their families. Acts of lenity like these sooth the horrors of war among civilized nations; and we had expected to find our prisoners equally well treated by a nation that was remarkable for good faith and high honour. We have been greatly deceived. From the best authority we know that a solemn capitulation has been violated—that our prisoners have been ill treated—some of them assassinated—most, if not all, left without pay, and marched far into the interior of the country, under hardships and inconveniences revolting to humanity: and for what purpose is this deviation from the

laws of nations? The number of prisoners in your possession is too trifling, compared with our force, to influence our movements. You have consequently broken a capitulation without benefit to yourselves. The treatment of them must be retaliated. You consequently expose your own relations and friends to unnecessary hardships.

Revolting as it is to our feelings, and to humanity, we have a duty to perform, and we must perform it. After this solemn appeal to your honour and to your feelings, we assure you that our prisoners will be sent to England, unless the capitulation of Buenos Ayres is put in force, and the prisoners in your possession are returned.

We have just cause to complain of the inhabitants of Buenos Ayres; but when we reflect on what that city has already suffered, our anger ceases, and we earnestly wish to relieve it from further sufferings. Save us the painful necessity of marching against it, of aiding in, and witnessing, its ruin. We offer you your laws, your religion, and property, under the protection of the British Government.

An officer of rank, Major Campbell, is sent to treat with you. He is acquainted with our sentiments, and we refer you to him for further particulars.

(Signed) S. ACHMUTY.

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Letter from the Court of Audienza to Admiral Stirling and Sir Samuel Achmuty.

Sirs, Buenos Ayres, March 2d, 1807.

When this tribunal considers the origin and motives which have induced your Excellencies to send us your letter of the 6th of February last, we are neither surprised at your requests, nor alarmed at your threats. The shameful flight of Major-General W. C. Beresford and Colonel Pack, our prisoners, who, in violation of their honour, have broken their word, in clandestinely escaping to Monte Video, has been the cause of your Excellencies filling your letter with an accumulation of falsehood.

Your honour requires you to acknowledge this; for, being convinced as we are of the truth, we will do you the justice to believe you cannot deny it.

In the first place, it is false that when this city was re-conquered, any legal compact, or condition which ought to bear that name, was entered into between the commander of our army and Major-General Beresford. Capitulations are always entered into during suspension of arms, previous to a surrender, when the contracting parties regulate the conditions. Nothing of this occurred in the present case; and Major-General Beresford cannot deny that he surrendered at discretion. If Major-General Beresford had capitulated, what motive could have induced him to have publicly thrown down his sword, as he did, after seeing the inutility of his making use of a flag of truce, and when hoisting our flag in the fortress where he was shut up, and the walls of which we had already began to storm.

If there was any capitulation, it was only a private agreement, long after the surrender, and procured by the act of the Major-General, who took advantage of Dan Santiago Liniers, making him believe, some days after the re-conquest, that the only wish he had to obtain the paper in

question was, to have such a document to justify his conduct to his Court; and, in short, as this point has been laid in due form before our respective sovereigns, we shall say nothing further on the matter, except that the English prisoners cannot be removed from whence they are now.

The bad treatment of the officers and troops is another falsehood with which your Excellencies have been deceived. With respect to the prisoners, and particularly with respect to the Major-General himself, every attention has been paid, and which most certainly they would not have received from any other nation. The pay allowed them for their subsistence has been very punctually sent: their effects were all safely returned to them, though it is clear that amongst them was money which they took when they first entered this country. They were suffered to be in a state of liberty, which they did not know how to value, and the bad results from our lenity are manifest. It became absolutely necessary to remove them from this city, as their conduct was very improper; but every accommodation and assistance in our power was allowed them. The Major-General was sent to Luxan, at a small distance from this capital, with seven or eight other officers of his own choosing, and he employed himself at that place as he had done in this city. He was constantly endeavouring to seduce, by artifice and dissimulation, all those with whom he conversed, encouraging insubordination and independence, though without effect. This was the motive for removing him and the other officers to a more distant place; but our attention on the occasion was so great, that to remove from Luxan eight officers, including the Major-General, two thousand dollars were expended, and a great part of this sum was for the convenience and accommodation of the latter.

If he had acquainted your Excellencies, that since the 27th of June, on which day this city had the misfortune to be taken possession of, he suffered all the officers, who were prisoners, to live in the greatest misery, without allowing them a single real; if he had informed you of his misconduct, and had, as an honest man ought to have done, confessed what has been explained with respect to the good treatment he and his officers experienced, and which from unquestionable documents will be made evident to the Court of Europe, there is no doubt but that your Excellencies would have detested his conduct, and that your letter would have been conceived in different terms.

It is true, that one of the officers at Luxan was killed by a malefactor, of which there are abundance in all countries; but this misfortune ought to be attributed to the imprudence of the officers themselves, who left their places of residence without taking their arms, which had been generously given them for their protection. But the Major-General cannot deny how much we felt, and how anxious we were to discover and punish the delinquent: nor can he deny that, in consequence, more soldiers were sent to protect the officers' persons from every insult. It became, however, necessary, that they should be removed further into the country.

The offer your Excellencies now make us of our laws, religion, and property, under the protection of the English Government, is conformable to the conduct held by Major-General Beresford; it is an offence against the high honour of our nation, and we understand it

as such. Spaniards only value their property and their lives, that they may employ them in the service of their king.

The people of Buenos Ayres are the most faithful to their sovereign of any who acknowledge his dominion, and feel themselves happy to be under it, and anxious to sacrifice every thing in proof of their loyalty.

The numerous troops which we have here, are prepared and disposed to make the most vigorous defence, and the premature proposals with which your Excellencies have endeavoured to ripen their love for their king, have produced no other effect than that of indignation, which will impress every one with the energy to resist any attempt to destroy their happiness.

Lastly, we must not omit mentioning to your Excellencies, that it would be conformable to the decorum of the British nation, if Major-General Beresford and Colonel Pack return to their prison of honour, and on which point the requisite reclamation will be made by the General Santiago Liniers, with whom your Excellencies will communicate in all war matters, he being lawfully authorized to treat thereon.

God preserve your Excellencies many years.

(Signed) L. M. F. T. Y ARBERO DE ANGOTIGNE.
JUAN BAZO Y BERRY.
JOSEPH MARQUEZ DE LA PLATA.
MANUEL DE PELARRO.
MANUEL DE VILLOTA.
ANTONIO CASPE.
Y. RODRIQUEZ.

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Letter from General Liniers to Admiral Stirling and Sir Samuel Achmuty.

SIRS, Buenos Ayres, March 2d, 1807.

I AM very sorry that the first time I have the honour to write to your Excellencies, is on the unpleasant subject of complaining of proceedings of officers of your nation. Major-General Beresford and Lieutenant-Colonel Pack, of the 71st regiment, forgetting every sentiment of honour, and in violation of their word, and the oath which they had taken on the 6th of September last, have absconded, and the first with the infamy of having fomented an insurrection in this county, where the greatest part of his vile accomplices, now under the lash of the law, will soon pay for their horrid crime.

This violation of public faith, and the law of nations, has, however, only increased the enthusiasm of all the inhabitants of this city, ever ready and disposed to bury themselves under the ruins of their edifices, sooner than give themselves up to any other dominion than that of their lawful sovereign.

The pretext which Mr. Beresford makes use of, in alleging that there was a pretended capitulation, your Excellencies will see by the enclosed prints, is without foundation, and it only remains with me, conformably to the laws of war, to reclaim those two prisoners; and I trust to your integrity that you will order them to be given up: at all events I fulfil my duty in reclaiming them, and the military world will decide on which side justice is.

I do not answer Mr. Beresford, not having any thing to add to what

I now express to your Excellencies; and I have only further to observe, that the determination of the people, as has been represented by their magistrates, is irrevocable: they are resolved to defend themselves to the last extremity, and prepared to make their defence memorable.

Your Excellencies will, therefore, avoid making any further offers; for be assured, that no answer will be returned, and that nothing but force can decide our fate.

God preserve your Excellencies many years.

(Signed) SANTIAGO LINIERS.

To their Excellencies Sir C. Stirling
and Sir S. Achmuty.

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Letter from the Cabildo at Buenos Ayres to Admiral Stirling and Sir Samuel Achmuty.

Buenos Ayres, March 2d, 1807.

Although the pretext for menacing this city which you make use of in your letter to our Governor, dated the 26th of the last month, and of which you transmit a copy to the Cabildo for their information, was well founded (which certainly is not the fact) the humanity shown by us towards the prisoners taken under the command of Major-General Beresford, was not inferior to that which you displayed towards those taken at the capture of Monte Video. If we take a retrospective view of the origin of the present war; if we reflect on the capture which took place during the profound peace, and almost in the sight of Cadiz, in the year 1804, of four frigates which sailed from home filled with passengers and property, certainly this is a motive sufficient why we should not look on your nation with the same consideration that the other civilized European nations merit. It was an act so atrocious, that history, perhaps, furnishes nothing similar with, and this opinion the best intentioned of your countrymen have avowed.

The pretended capitulation which Major-General Beresford is disposed to profit by, was in fact no capitulation at all. It was a secret agreement drawn up in order to excuse him to his own government. Our general has notified this to him in a public document, and the Major-General cannot deny that he surrendered at discretion, in sight of the whole population of this city; nor did he ever attempt to avail himself with us, of this supposed capitulation, in order to prevent his troops from being sent into the interior. It is false that no assistance was given to the prisoners, and that they have been treated with cruelty; this a pretext of Major-General Beresford to cover the ignominy of his flight. He affects to forget the inhumanity which he practised towards his prisoners, denying them every assistance and succour unless they would consent to go to England, though many of them were invalids, and most of them had wives and families. Notwithstanding this we treated all the prisoners, and particularly Major-General Beresford himself, with every degree of decorum, urbanity, and generosity; and we are persuaded that he was as comfortable as he could have been in his own country. Under this supposition, the truth of which cannot be doubted, surely you have no right or just cause to menace this city as you have done, nor have we any motive whatever to be unfaithful to the most amiable of sovereigns; and we are prepared to spill the last drop

of our blood to prove to the world that we are good subjects and true Spaniards, and that we are lovers of humanity, even towards those who off Cape St. Mary, violated it in the manner witnessed by the whole universe.

God preserve you many years.

(Signed) MARTIN DE MZAGA.
ESTWAR VILLAIRCUBA.
MANUEL MANCILLA.
ANTONIO BIXAN.
MANUEL DE ARTIZ DE BASNALDO.
MIGUEL FERNANDIO DE AQUERA.
JOSEPH ANTONIO CAPACOILLA.
JUAN BANT. DE GUCARTE.
MARTIN DE MONASTERIO.
BONITO DE YGEIZIAS.

To their Honours Admiral Stirling
and General Achmuty.

*The following General Orders were next read:*

Head Quarters, Monte Video,
May 18, 1807.

Such horses of the artillery and dragoons as Brigadier-General Lumley may point out will, until further orders, be fed at eight lbs. of Indian corn per day, if shaken out of the husk, or thirteen of hay or pasto, which they may receive. The Deputy Commissary General will furnish such a propotion of salt as commanding officers of cavalry regiments may require, under the sanction of Brigadier-General Lumley, for the troops horses. The General Court Martial, of which Lieutenant-Colonel Sir Edward Butler is president, will assemble to-morrow morning at ten o'clock, in the officers' mess-room of the 87th regiment.

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Head Quarters, Monte Video,
May 21, 1807.

The working parties will, till furthers orders, consist of one subaltern, one serjeant, one corporal, one drummer, and twenty men. The Commander of the Forces, in consideration of the more material service which he trusts, in a few days, the army will be employed in, thinks it advisable to lessen the number of men employed upon the works, with a view of giving commanding officers the greater facility in bringing forward their respective regiments in strength and discipline, and it is to be clearly understood by all ranks of persons, that, at a period like the present, drunkenness must be considered a crime of the blackest nature, inasmuch as it decidedly renders an army unfit for service at a time when thoughts and deeds should equally contribute to the honour and welfare of our king and country. The Commander of the Forces, therefore, hopes it will be clearly understood, that he expects every possible zeal on the part of officers to prevent, and thereby to render punishment unnecessary for this crime; and promises, that incorrigible subjects, after this admonition, are not to look for mercy; for the brutal drunkenness, which at this moment disgraces the army, must and shall be checked.

Head Quarters, Monte Video,
May 25, 1807.

From the state of the country, fromwhence a greater supply of horses, for the use of the cavalry were expected, there is a deficiency in mounting a sufficient number of men of the horse artillery and cavalry for the service upon which the army is about to be employed; and as the General Officers and Staff, from the difficulty of procuring sufficient tonnage, also are obliged to confine themselves to a single horse, none others can of course be taken. The Commander of the Forces, therefore, trusts to the liberality of officers to preserve their horses for the public use, and promises, that a fair remuneration shall be made for them, and in the mean time a ration shall be allowed for each horse, so as to accommodate officers with respect to the expense; and it is intended also to allow them the use of their horses till the moment the public service requires them.

Estimates to be sent in to the Paymaster-General to the 24th instant, for the pay of the army.

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Head Quarters, Monte Video,
May 31, 1807.

Commanding Officers of cavalry regiments having now received an authority to recruit horses, the Commander of the Forces has no doubt that the utmost exertion will be used on their parts, and that of the officers under their command, towards rendering this necessary branch of the army efficient, and capable of sustaining the service that may be required of it for the attaining of these objects. It is essential, that the same attention should be paid to the stable arrangements that has been usual in England. The commanding officers of regiments are required to give in to Brigadier-General Lumley a weekly report of the state of the horses, specifying sheir progressive improvement, in order that the same may be submitted to the Commander of the Forces.

The Commander of the Forces calls the attention of the commanding officers of regiments to the order of the 17th instant, and desires that no soldier may be seen with linen pantaloons without flannel under them.

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Head Quarters, Monte Video,
June 6, 1807.

In consequence of the excessive duty and bad appearance of the men appointed pioneers, the Commander of the Forces directs, that no particular class of men are in future employed exclusive to that duty, but that it shall be retained as a punishment for small regimental delinquencies; from which source should not a sufficient number of men be derived, the rest are to be daily furnished to the quarter-master according to the rota for fatigue duty.

The following horses will be allowed to embark:

| | |
|---|---|
| The Commander in Chief, and staff | 18 |
| Major-General, and staff | 6 |
| Officers commanding brigades, and staff | 4 |
| Deputy-Adjutant-General, and staff | 6 |
| Deputy-Quarter-Master-General, and staff | 6 |

Deputy-Commissary-General, and staff - - - - - - - - 6
Medical staff - - - - - - - - - - - - - - - - - - 10
Commanding Officers of regiments, each - - - - - - - 1

The horses of officers commanding regiments, and the medical staff, will be at the Mole at seven o'clock to-morrow morning, ready for embarkation; and such horses as can be spared by the other officers or departments.

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Head Quarters, Monte Video,
June 11, 1807.

The Commander of the Forces is extremely desirous, that the baggage of the army should be so far reduced in quantity, as to enable regiments to move with the greatest possible facility. A board of general and field officers will therefore assemble at ten o'clock to-morrow morning, to consider and report upon the precise quantity of baggage which may fairly be considered as belonging to the public, and absolutely necessary to the wants of the service in which we are engaged. The Board to consist of the following officers:

Major-General Levison Gower, President.
Brigadier-General Sir Samuel Achmuty.
Brigadier-General Lumley.
Colonel Browne.
Colonel Mahon.
Lieutenant-Colonel Lloyd.
Lieutenant-Colonel Sir Edward Butler.

It is to be understood, that the regulations in this respect, by which regiments were governed in England, can have no reference to what the public service of the country may require; for it cannot be expected that, upon the sudden move of a regiment, the Commander of the Forces is to become the store-keeper of its baggage; and a moment's consideration will be sufficient to impress upon the minds of officers the sense and propriety of assimilating our wants, as well as our actions, to the nature of the service in which we are engaged.

The Commander of the Forces holds commanding officers of regiments responsible for the most exact compliance with the general orders of the 3d instant, which forbids the use of boxes for individual non-commissioned officers and soldiers.

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Letter from Major-Gen. Gower to Lieut.-Gen. Whitelocke.

Heights above Barragon,
Sir, June 28th, 1807.

I have the honour to report the arrival of the advance of the army on the heights, after a most fatiguing march of five miles, through deep swamps, which a little more rain would certainly render impassable. I have occupied four estancias along the breast of the hill, in the following order, from the left.

38th, 87th light battalions, 95th.

There will be little cover for the men; but wood to make them all fires; and we shall be able to get them some beef to broil.

The master of one estancia is here, who left Buenos Ayres yesterday; he says, all the force is concentrated in the town with an advanced post of 200 men at Quilmes; he describes their number as 6000, variously armed.

When they can get up some spirits would be acceptable.

I have the honour to be, &c.

Lieut.-Gen. Whitelocke J. LEVISON GOWER.

I must apologize for my paper; Captain Maxwell is gone away with mine, giving orders. J. L. G.

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Letter from Major-Gen. Gower to Lieut.-Col. Torrens.

Heights above Barragon, 29th June, 1807.

Sir, half past 10, A. M.

I have the honour to state to you, for the information of the Commander in Chief, that I will keep the advance ready to move, whenever he may arrive with the rest of the army on the heights, on the road to the westward, as there appear to be some estancias in that direction, which promise to afford some cover. There are bullocks in this neighbourhood; but I have no Lassomen; if we can shoot any near, that they can be applied to the use of the army, it shall be done.

The houses afford but little means of cooking; so little, indeed, as not to affect the men generally.

I believe it will be impossible to supply the troops with meat in such a way (without the assistance of the Commissary) as to save the meat.

I have the honour to be, &c.

Lieut.-Col. Torrens, J. LEVISON GOWER,

&c. &c. &c. Major-General.

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Letter from Major-Gen. Gower to Lieut.-Col. Torrens.

Three quarters past 2 o'clock, P. M.

Estancith a Don Rodriguez, June 30th, 1807.

Sir,

I have the honour to report to you for the information of the Commander in Chief, that I have found it impossible to make the advance I expected to be able to accomplish when I left you; I have been actuated by three reasons, 1st, the lateness of the hour, 2dly, the fatigued state of the men, having no spirits to give them, 3dly, there having appeared in front of the advanced rifle post, five Spanish officers dressed alike, by which I am induced to believe that a force is in my front, and I would rather the men should meet it to-morrow morning when fresh, and supplied with a good supper, which, I hope we shall accomplish for them from the bullocks. I have decided, therefore, for the night to occupy posts in your front; and will march, if it meets with General Whitelocke's approbation, to-morrow morning at eight o'clock for Reduction, with Brigadier-General Craufurd's brigade, 36th, 68th regiments, four 3, and four 6-pounders.

If the General approves of this, it will be unnecessary to send the escort as proposed at eight o'clock to-morrow.

I await his orders at the post of the 36th regiment.

I have the honour to be, &c.

Lieut. Col. Torrens, J. LEVISON GOWER,

&c. &c. &c. Major-General.

**Letter from Major-General Gower to Lieutenant-Colonel Torrens.**

Heights above the Chuello, July 1, 1807.

Sir, 3 o'clock, P. M.

I have the honour to report to you that the advanced corps have arrived on the heights between the village of Reduction and the bridge over the Chuello, and that it is now seven miles from the bridge over the Chuello. I shall continue to advance and get close down to the river side immediately; and, if I can, get over it, or at least ascertain the possibility of doing it.

There is the appearance of the remains of a camp and work at Reduction; but the enemy made so faint a resistance, that we have lost no men.

I see nothing that can stop us, and if we cannot be supplied from our own, I hope the rapidity of our advance will put some of the enemy's stores into our possession.

I have the honour to be,
Sir, your obedient humble servant,

Lieut.Col. Torrens, &c. &c. &c.

J. LEVISON GOWER,
Major-General.

Having submitted to the commandant of the forces your note of this date, I am directed to acquaint you, that he will await here further information from you to regulate his future movements.

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Heights above the Chuello, July 1, 1807,

Sir, 5 o'clock.

I have the honour to represent to you, that since I wrote my former report, I have discovered that the ground between my present position and the Chuello is very damp; and, therefore, apprehensive that the health of the men might suffer, if kept all night on without firing, I have determined to remain in my present position till I receive your further orders.

We command all the ground to the east of the Chuello, and are very well posted. Two ships are on fire in the roads, some more are moving into the Chuello; the bridge over the Chuello appears to be on fire. A few mounted men are in my front, but I have not yet seen any force of any consequence.

I have the honour to be,
Sir, your obedient humble servant,

Lieut.-Col. Torrens, &c. &c. &c.

J. LEVISON GOWER,
Major-General.

I have kept sufficient sheep to supply both my brigades.

J. L. G.

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Heights above the Chuello,

Sir, July 2d, 1807.

I have the honour to report to you, for the information of Lieutenant-General Whitelocke, that I propose to march at nine o'clock precisely, from my left, with the intention of keeping the high ground on this side of the Chuello, till I can either find a ford which is certainly practicable, or turn the head of the river.

I have been induced to do this, because the bridge is probably burnt, and the certainty of the goodness of the pass of Chico being very

doubtful; should the latter prove bad on experiment, I should have to increase my distance considerably; and from the swampy appearance of the ground, a few yards from this bank of the Chuello, be obliged to march with the flank of my column exposed to the cannonade from the opposite bank. I have the honour to be, &c.

Lieut. Col. Torrens, &c. &c. &c.

J. LEVISON GOWER, Major-General.

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Sir, Coral de Masserala, July 2, 1807.

I had the honour to report to you, for the information of the Commander of the forces, that the advanced corps of the army now occupy a position, the centre of which is across the prolongation of the centre street of Buenos Ayres. I have taken most of the cattle intended for the consumption of the city for this day, and occupy the principal coral. I have secured 20,000 lbs. of biscuit, and my corps is fully supplied with it; spirits I am searching for, and I have hopes that I shall be able to procure some; to what extent I do not yet know. I sent to report to you, yesterday evening, immediately after the action, in which I stated, we had taken eight pieces of cannon, I now find it increased to ten, many prisoners, and a great quantity of arms and ammunition. General Liniers and Colonel Ellio were both present. Supposing that a considerable impression may have been made by so complete a defeat as this considerable portion of their force has sustained, I have sent in a summons to General Liniers, at first verbally only, to discover how they appeared to feel in the town. Colonel Ellio met Brigade-Major Roache, who went with the flag, and requested that they might receive a written proposal. I have now, therefore, sent one, founded on the instructions I received yesterday, by Colonel Bourke.

I believe it will not be difficult to, nearly if not entirely, invest the town by placing about 1000 on my right towards the Chuello, and all the rest on my left towards the Recollata, having that in the rear. The centre of the town makes a salient angle, it appears to me, therefore, that our centre should be a little refused, and our flanks thrown forward, as the right will be rested on the Chuello, and the left secured by the Plata; but this of course must be regulated by the better judgement of the Commander of the forces.

I have the honour to be, &c.

Lieut.-Col. Torrens, &c. &c. &c.

J. LEVISON GOWER, Major-General.

I was so surrounded both on my march, and when here last night, by strong mounted parties of the enemy that I could only communicate with you by liberating a Portuguese prisoner, and promising a reward on the delivery of the letter; this, ill as I can afford it, I must send under the protection of a large portion of a light company; I have not yet collected my returns, I believe eight officers are wanted. J. L. G.

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Sir, King's House, 2d March, 1794.

Having always in view the attack on Port-au-Prince (now the capital of the west and southern provinces), it was judged necessary that the post at L'Acul, about six miles from Leogane, at the extremity of the plain of Leogane, should be first taken. From this post the brigands

frequently made their excursions into the plain and burnt the plantations, and it was intended that (had any expedition been undertaken against Port-au-Prince without taking Fort L'Acul) they were to have harassed the rear of our troops, and attacked the town of Leogane, and destroyed the remainder of the plantations.

Lieutenant-Colonel Whitelocke therefore made a very proper disposition of his troops, and on the night of the 18th, detached two hundred colonial troops with one field-piece and some of the British artillery, under the command of Baron Montalembert, who I beg particularly to mention to you as a gallant, zealous, good officer: they were embarked on board two transports, and were to land at five o'clock the next morning.

Lieutenant-Colonel Whitelocke marched at four o'clock on the morning of the 19th with the flank companies, artillery, two howitzers, and two field-pieces, and about fifty of the colonial troops of all colours.

Captain Vincent, with the flank company of the 49th and 120th colonial troops, took a mountain road which led to the opposite flank of the fort upon which Baron Montalembert was to commence his attack.

Lieutenant-Colonel Whitelocke advanced with the main body just within cannon shot of the fort, to co-operate with the Baron and Captain Vincent, but from the mismanagement of one of the transports, and an unfavourable wind, the troops could not land.

Lieutenant-Colonel Whitelocke drew his artillery back a little, which the enemy perceiving, a very heavy fire of musketry commenced from a wood on their right, which was instantly silenced by a corps commanded by Major Spencer. All this time four guns fired incessantly from the fort, but fortunately did very little execution.

Lieutenant-Colonel Whitelocke finding that he could not have any assistance from the troops that were embarked, determined at once to storm the fort; he ordered some refreshment for the men, and sent away the howitzers.

About half past four P. M. Major Spencer was ordered with two flank companies to join Captain Vincent, to advance and fire on the fort, which he accordingly did to a signal given, and Lieutenant-Colonel Whitelocke advanced in front, under the fire of two guns loaded with grape and a heavy fire of musketry: they ascended the hill, which was rendered as difficult as possible by trees placed in all directions, gallantly pushed on with their bayonets, and drove the enemy from their ranks.

Many of the enemy were killed, and had the corps under Baron Montalembert been landed, not a man would have escaped.

The garrison was supposed to consist of about six hundred men, commanded by a white man of the name of De Lisle, who had served in the late king's time, and is said to have murdered, or caused to be murdered, near three hundred white persons.

Lieutenant-Colonel Whitelocke speaks in the highest terms of both officers and men, and particularly of Major Spencer, Captain Smith of the royal artillery, and Lieutenant M'Kewan of the engineers.

I have the honour to send herewith returns of store, and of the killed and wounded; and I have to lament the death of Captain Morshead, who gallantly entered the work, and was blown up by a quan-

tity of combustible matter, which was set fire to by one of the brigands, who also perished in the explosion. Captain Morshead had received a wound in the body before, but that did not prevent his going on. The attack was so spirited that the garrison had not time to carry off any thing, and many late letters of Monbrun and Santhonax were found, a few extracts of which I herewith send; the originals were sent to the commodore, who is before Port-au-Prince, as they relate to that situation.

Immediately after the capture of Fort L'Acul, the parish of Grand Goave surrendered to the British Government; the English colours were hoisted, and the inhabitants took the oaths of allegiance.

Fort L'Acul was too far from the sea, for his Majesty's squadron to be of any use.

The next object for attack is Fort Bizzaton, about three miles from Port-au-Prince, near the sea, and against which the navy can operate with great advantage. Some measures were probably taken to attack it about the 27th or 28th of last month.

By the state of the troops under the command of Lieutenant-Colonel Whitelocke, you will perceive, Sir, what we have done, and are still attempting to do, with a handful of men.

I have heard nothing of the two regiments from Ireland.

The island of St. Domingo, if secured to Great Britain, will, for many years to come, require a considerable force to keep every thing quiet, at least five or six thousand men, and which the island will be very well able to pay.

I am very sorry to inform you that his Majesty's ship Convert, that sailed with the homeward-bound fleet, the 3d February, and nine of the merchant ships, were lost the 8th, on the reefs off the Grand Cayman; the vessels entirely gone, but only five or six drunken fellows drowned. Every thing here remains quiet.

I have the honour to be, &c.

A. WILLIAMSON.

Rt. Hon. Henry Dundas.

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Extract of a Letter from the Right Honourable Henry Dundas to Sir Adam Williamson.

Sir, Whitehall, April, 28, 1794.

On the 16th inst. I had the pleasure to receive, and immediately to lay before the King your letter of the 2d of March last, giving an account of the capture of Fort L'Acul, and the surrender of the parish of Goave to his Majesty.

I am to desire, that you will not fail, on this occasion, to signify to Lieutenant Colonel Whitelocke his Majesty's most perfect and entire apprabation of his conduct, and of the gallant behaviour of the officers, and the small detachment under his command, in taking by storm the fort of L'Acul, under the great disadvantages with which that service was performed.

The bravery shown by Captain Morshead, during the action, is an additional cause for lamenting the loss of that officer.

The high character you give of the of the Baron de Montalembert, both as a man and an officer, confirms the opinion I have always con-

tinued to entertain of that gentleman; and I have no doubt, if his corps had been able to co-operate with Lieutenant-Colonel Whitelocke, as was intended, that it would have done itself great credit. I am the more anxious that the Baron should be acquainted with my sentiments on this occasion, as I have been under the necessity of suppressing his name in publishing your account of this action, solely from an apprehension that his family connexions, now in France, might suffer by his appearing actively employed in his Majesty's service.

I am, &c.

Lieutenant-Governor Williamson. HENRY DUNDAS.

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Extract from a Letter from the Right Honourable Henry Dundas to Brigadier-General Whyte, or the Officer commanding the troops at St. Domingo.

Sir, Whitehall, July 19, 1794.

By the Duke of Cumberland packet, which arrived on the 13th instant, I was favoured with your letter on the 22d May, informing me of your arrival at St. Domingo, with the force therein mentioned; and that, after taking the necessary measures for the security of Tiburoon Bay and Cape Nicola Mole, you had re-embarked with a part of the force under your command, for the purpose of attacking Port-au-Prince.

This morning Lieutenant-Colonel Whitelocke brought me your letter of the 8th last month, by which I have the satisfaction to find that you have had the good fortune to succeed in the reduction of that important place. I have laid both your letters before the King, and I have it in command from his Majesty to signify to you his Majesty's gracious and full approbation of your proceedings, and of the gallant behaviour of Lieutenant-Colonel Whitelocke, Major Spencer, and the rest of the officers and men who were employed on this occasion. I am, Sir,

Your most obedient humble servant.

Brigadier-General Whyte. HENRY DUNDAS.

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My dear General, Portsmouth, Dec. 15, 1807.

It grieves me more seriously than I can possibly describe, to think that *you* should find it necessary for *me* to give this testimony of your conduct during the time I had the pleasure of serving under you in St. Domingo; but as it is a thing that you conceive expedient and proper, I have great satisfaction in openly avowing that your conduct, during the time we served together, was what I always admired, and what I thought showed decision, judgement, and proper firm conduct in the field.

In saying this, I beg leave to recal to your recollection the acknowledgement the officers of the 13th regiment, and myself, took the liberty of making, by addressing you in a letter of thanks, expressing every thing which was handsome, and becoming for almost any officer to receive, and their great regret at your leaving St. Domingo.

Believe me, my dear General,

Yours, very faithfully and sincerely,

(Signed) B. SPENCER.

Lieutenant-General Whitelocke.

Sir, Port-au-Prince, June 8, 1794.

Being favoured with your letter, expressing your thanks for the conduct of the officers who served under your command in St. Domingo,

We return you our warm and cordial thanks for the handsome manner in which you have expressed your approbation of our conduct, and with real esteem and sincerity beg leave to express our feelings on the present occasion.

We congratulate you, Sir, upon the possession of so valuable a colony with so little loss; and, considering the smallness of the force, the unavoidable sickness of the troops, the number of places to be defended, and the enemies of all kinds to be encountered, we can ascribe our success to your conduct and vigilance alone; and sorry as we are to lose you, we entertain a hope, that your active and zealous services in this country will meet with the reward they merit, and we are convinced will be honoured with his Majesty's approbation.

We have only one more word to add,—that, as we have already served with unanimity and confidence of success hitherto, we trust that hereafter we may meet again, and again succeed under the command of an officer, who carries with him such universal approbation, and so well-earned applause.

I have the honour to be, Sir,
(In the name of the Army that served under your command in St. Domingo)
Your obliged and very humble servant,
(Signed) B. SPENCER, Lieutenant-Colonel.

Lieutenant-Colonel Whitelocke, &c. &c.

Printed by S. Hamilton, Weybridge, Surry.

# GENERAL WHITELOCKE'S

# Sentence.

## GENERAL ORDERS.

*Horse Guards, March 24, 1808.*

AT a General Court Martial (of which General the Right Hon. Sir William Medows, K. B. was President,) held by virtue of His Majesty's Special Warrant (bearing date the 25th of January, 1808), at the Royal Hospital at Chelsea on the 28th of the same month, and continued by adjournments until the 18th of March following, Lieutenant-General John Whitelocke was tried upon the following Charges, viz.—[*The Charges have already appeared in the beginning of this Publication.*]

SENTENCE.—The Court Martial having duly considered the Evidence given in support of the Charges against the Prisoner, Lietenant-General WHITELOCKE, his Defence, and

the Evidence he has adduced, are of opinion, that he is Guilty of the whole of the said Charges, with the exception of that part of the Second Charge which relates to the order that "*the Columns should be unloaded, and that no firing should be permitted on any account.*"

The Court are anxious that it may be distinctly understood, that they attach no censure whatever to the precautions taken to prevent unnecessary firing during the advance of the troops to the proposed points of attack, and do therefore acquit Lieutenant-General WHITELOCKE of that part of the said Charge.

The Court adjudge, that the said *Lieutenant-General Whitelocke be Cashiered, and declared totally unfit, and unworthy to serve His Majesty in any Military Capacity whatever.*

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The King has been pleased to confirm the above Sentence, and His Royal Highness the Commander-in-Chief, has received his Majesty's commands to direct, that it shall be read at the head of every Regiment in his service, and in-

serted in all regimental orderly books, with a view of its becoming a lasting memorial of the fatal consequences to which Officers expose themselves, who, in the discharge of the important duties confided to them, are deficient in that zeal, judgement, and personal exertion, which their Sovereign, and their Country, have a right to expect from Officers entrusted with high commands.

To His Majesty, who has ever taken a most lively interest in the welfare, the honour, and reputation of his Troops, the recent failure in South America has proved a subject of the most heartfelt regret; but it has been a great consolation to him,-and His Majesty has commanded it to be intimated to the Army, that, after the most minute investigation, His Majesty finds ample cause for gratification, in the intrepidity and good conduct displayed by his Troops, lately employed on that service, and particularly by those divisions of the Army, which were personally engaged with the enemy in the town of Buenos Ayres, on the 5th of July, 1807; and His Majesty entertains no doubt, that, had the exertions of his Troops in South America been directed by the same skill and energy, which have so eminently distinguished his Commanders in other quarters of

the world, the result of the Campaign would have proved equally glorious to themselves, and beneficial to their Country.

By command of His Royal Highness the Commander-in-Chief.

HARRY CALVERT,
Maj. Gen. and Adj. Gen. of the Forces.

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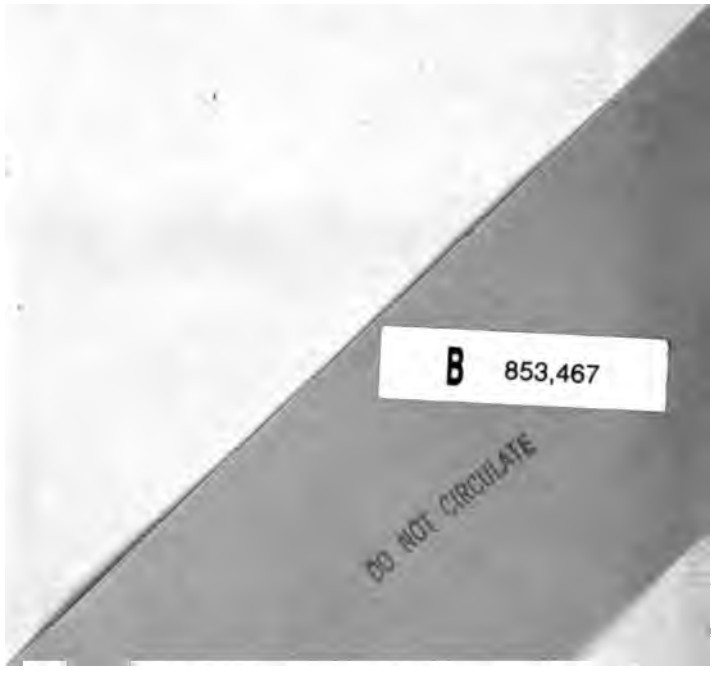
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